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NOTICES OF THE ARTS AND MANUFACTURES, AND A RECORD
OF THE EVENTS OF THE TIMES.

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NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

In commencing a new volume we have not any new thing to say about our intentions and prospects. We like to meet with old friends with old faces, except as mellowed by the hand of time. The manner of this work will not be changed, nor shall it cease to advocate the great national interests to which it has been so much devoted: and the consistency of its course will, at least, exhibit an evidence of my belief that it is a proper one.

Several communications have been recently received, that had a half-covered bearing upon the next presidential election—as I have not, knowingly, written anything myself with a view to that matter, surely the essays of others upon it cannot have a place in the REGISTER. It will not take a part for or against any man; when the people are permitted to understand on what it is that different gentlemen found their pretensions to this high office, such pretensions may be examined. At present, we chiefly know the names of those who are said to be candidates; and none of them stand committed, that I know of, to any particular policy or general principle, as to national affairs.

Though it is to me, personally, a matter of perfect indifference, an error of opinion prevails that I wish to correct: the remarks made in this work on the finances of the United States, have been construed into acts of hostility to the head of the treasury department. It is, not consistent with my principles or practice thus to "beat about the bush;" and the whole purpose that we had in speaking of treasury matters, was to shew the defects of the system—wretchedly managed, perhaps, from its own wretched nature. It is now acknowledged by the chairman of the committee of ways and means (see page 10), that estimates founded upon it must be fallacious—that it is impracticable to furnish a tangible statement of the condition of the revenue: a fact which, I believe, I had the honor first to declare to the people, if there is any credit for the discovery—yet, without knowing what the *income* may be, the representatives of the people are called upon to vote the *expedition*! In this case it is evident that a sound discretion cannot be exercised—that a dignified legislation cannot exist—that good luck, the gambler's hope, is more regarded than caution, the honest man's reliance, to keep himself out of trouble. It is our desire, and determination, to bring it about, if we can,—that this republic shall depend only on itself for the supply of its own wants; without, however, meaning to deny our country any advantage that may be derived from an honorable intercourse with foreign nations.

The support hitherto afforded to this work has considerably increased of late, though some have withdrawn their names from prudential considerations, promising a return of them under more fortunate circumstances. The commencement of a volume offers a suitable opportunity to those who desire to obtain the REGISTER, and the editor hopes that his friends will not discontinue their efforts to serve him—promising that, to the best of his skill and ability, he will endeavor to serve them.

Complete sets may be had—and any volume or volumes are sold separate except the three first, which, however, are disposed of to those who have

the remainder of the work, and wish to render it perfect.

We have given the entire sketch presented in the National Intelligencer of one day's debate in the house of representatives, that the feelings and proceedings of the members may be the better understood, on some matters of much moment to the public interest.

AGENT IN NEW YORK. Though we have several times mentioned the matter, the increasing importance of our concerns at New York and its vicinity, makes it necessary for us to repeat the information, that Mr. WILLIAM A. COLEMAN, No. 45, William street, general agent for the collection of monies and transaction of business, is also our agent in that city, with power to transact and conclude any matters belonging to the ordinary concerns of this establishment; and, while on this subject, we may venture to recommend him to others, having always found him most prompt, attentive and punctual in all his engagements.

SMALL POX. We had nine deaths by this disease in Baltimore, during the last week; but learn that there are not many new cases, and it is hoped that few are now unprotected against it. The mayor of Savannah has issued a proclamation, requiring that vessels from Baltimore and some other ports, shall not approach that city until they are examined.

We publish an interesting report made to congress in relation to vaccination, and our own faith in the belief of its efficacy to prevent the small pox, is but little, if any, impaired by the prevalence of the latter disease in this city. But it is asked, how happens it that the small pox prevails here—"the head quarters of vaccination?" We could answer the question at length, and would do it, if we did not apprehend that it might bring about a discussion that we could not find room for—but may reply to it thus, because Baltimore is the head quarters of vaccination. The act of congress to encourage vaccination, has rather, in our opinion, tended to encourage small pox, by making a matter of individual profit out of what had better been left to the general care of medical gentlemen.

As we have published Dr. Smith's letter to the speaker of the house of representatives, it is right to say that Dr. Ward, of Tarborough, to whom the small pox matter was sent, denies the facts as set forth in that letter, by Dr. Smith, about the care which he exerted to guard against accidents, &c.

WILLIAM PINKNEY, a senator from Maryland, died at Washington, on the night of the 25th inst. aged about 60 years. In the words of Mr. Randolph, he surely was at "the head of one profession in this country"—that of the law. He was a severe student and a man of extraordinary powers; and the void left by his death will not be easily filled. It is stated that he sunk under his efforts in a case that was pending before the supreme court, on which he had bestowed much attention and brought out the whole energies of his wonderful mind.

The city councils of Baltimore, being in session when the intelligence of his death reached this city, immediately passed a resolve to wear crape on the left arm for ten days and adjourned. The proceedings had in congress on the occasion, are noticed under the proper head. The bench and bar of Baltimore have also had a meeting and passed a resolve that the court-room shall be shrouded in black, that mourning shall be worn until the end of the present session, and that a monumental tablet, with an appropriate inscription, shall be placed in the court-room.

INDIANS IN FLORIDA. Capt. Bell, acting agent for the Indians in Florida, gives a list of their settlements, which amounts to thirty-five, and he supposes that their whole population does not exceed five thousand souls. He suggests the propriety of endeavoring to obtain from them a cession of the country on the sea-coast, to prevent their settlements from becoming the resort of pirates and smugglers, &c. "the most abandoned of all nations, who keep up a communication between the islands and Cuba, excite dissatisfaction, violate our laws, and escape with impunity, from the country. And our refugee slaves aim for their settlements, with a view of escaping to the neighboring islands."

NATIONAL COURTESY. Capt. Ridgely, of the U. S. frigate *Constellation*, not being able to proceed immediately from Valparaiso to rescue American vessels from the royal pirates at Orico, near St. Mary's, sir Thomas M. Hardy despatched the sloop of war *Conway* on that service—but on her arrival at the place, discovered that the patriots had broken up the nest of marauders, though the latter, on being attacked, has set fire to and destroyed the brigs *Hersalia* and *Ocean*, to regain which was the object of the expedition. On the report of these facts, capt. R. directed his course to Juan Fernandez, whereat certain Americans had been detained by the late prisoners, who had mastered the governor and taken command of the place.

COTTON, of a superior quality, is said to have been produced, in the last season, in the eastern part of Illinois. The quantity appears to have been considerable, and it is stated that arrangements are making to go extensively into the cultivation of this rich staple of our country; and they calculate on being able to raise it as cheaply as in any other part of the United States. If the crop succeeds, it will produce no small revolution in the condition of things among us.

DOMESTIC INDUSTRY. Steuben county, N. Y. contained, at the late census, 21,989 inhabitants—by the state census, there were 80,948 acres of improved land in it—23,982 neat cattle, 40,978 sheep—many mills, factories and works. Independent of the products of the latter, there were made in families during one year, no less than 173,269 yards of cloth, or about eight yards for every individual in the county. I guess the people of this county are not much in debt.

PIRATES. The *Macedonian* frigate, under the command of capt. *Biddle*, is about to sail from Boston, to be accompanied by four smaller vessels, having on board a disposable force of 200 marines—with instructions, it is said, to sweep the land, as well as the sea, of the pirates of Cuba. The matter appears to be "right in itself," but it seems to us that important events may grow out of it, unless

there is an understanding with Spain and the local authorities of the island, in respect to the procedure. The latter, there is too much reason to believe, if not friendly to the piratical system, are at least indisposed to make an effort to destroy it.

CANADAS. There are many indications of the prevalence of a revolutionary spirit in these colonies. The executive and legislative bodies are frequently at variance, and speak to and of one another pretty plainly. A certain John Richardson, a member of the council in Lower Canada, lately said in his place, "how can we rescind our resolutions when there is a *secret committee sitting in the house of assembly*, which is, perhaps, deliberating on the appointment of a governor of their choice on the removal of the person now in the castle, and putting their own in his place." The house of assembly warmly took up this matter—it was a high contempt of the house, a manifest breach of its rights, privileges, &c. and requested the governor to dismiss and punish the said Richardson—but he refused to comply with the request of the house; after which the following resolution was passed—

Resolved, That every attempt on the part of a member of the legislative council to destroy the confidence of his majesty, of his representative, or of the legislative council, in the honor and loyalty of this house, is a high contempt of this house, and a manifest breach of the rights and privileges of this house; and tends to create distrust and to destroy all harmony among the several branches of the government, and to render useless the endeavors of this house for the general welfare; and that it is the incontestable right of this house to repress such attempt by every constitutional means in their power.

"THE RULE OF RIGHT." On the 22nd ult. the editors of the "National Intelligencer," speaking of the annual military appropriation bill, observed—

"There is one provision, however, in this bill, introduced at the suggestion, in the first instance, of Mr. *Ensistis*, which, we understand, will be of much importance to a meritorious class of people—we mean the manufacturers of woollens, who have little more capital than their looms. They cannot contract for large supplies, nor can they suddenly comply with large orders. An appropriation has therefore been introduced into the bill, of 75,000 dollars, for the purchase of woollens for the army, for the year 1823—so as to allow the goods to be purchased of our own manufacturers, and to allow intermediate time sufficient for the manufacture of them. It is predicted, that we never shall again have a soldier, (and hardly a sailor,) clothed in the manufacture of any other country than this. So be it. This is a sort of encouragement which will be of some service, not to overgrown and already pampered capitalists, but to the industrious artisans who live by the labor of their hands."

According to my reading of this paragraph, it seems to manifest something like a wish that the woollen manufacture may prosper in the United States; though as I never have heard of "overgrown and already pampered capitalists" in that branch of business, I must confess that I am rather at a loss to collect the whole meaning of the editors. If the cotton manufacture was referred to, the remark might apply, though only, perhaps, in a solitary case—to the Waltham association; but surely, the consumers ought not to be offended with the power and prosperity of this company, seeing that they vend their goods at cheaper rates than others

of like quality can be purchased at in any part of the world: and thus their capital operates to keep down the "foul fiend," domestic extortion, so terribly dreamt of by many among us. Now this fiend is one of the strangest things that ever was imagined—when it *appears* in the rise of a barrel of flour, bale of cotton or hoghead of tobacco to double the usual price of such commodities, every body is pleased with it; but if it effects a rise of 5 per cent. in the value of labor bestowed on the manufacture of a yard of cloth, all men are alarmed, and the country is declared to be in danger.

But the editors of the National Intelligencer appear pleased that the "manufacturers of woollens, who have little more capital than their looms," are about to be encouraged, and, with seeming pride, they anticipate the time when our soldiers and sailors will not be dependent on foreign looms for necessary articles of clothing. So far so good—and we shall not stop to inquire how probable it is, that the persons described will enter into contracts with government for the supplies that are needed, or whether it would be advantageous for those who have "little more capital than their looms" to attempt to furnish them: for *me* to say that domestic industry should be encouraged—or even for THOMAS JEFFERSON to declare that the consumer should be placed by the side of the producer, is nothing; but for these gentlemen, the unqualified friends of the *import* system of revenue, to anticipate the period with satisfaction when the American soldier shall be protected in his hours of repose by an American blanket, does not seem to accord with that degree of good faith and consistency which I am willing to allow them: for if blankets are made for soldiers they will also be made for citizens.

It may be said that *import*, only, furnishes the means by which *presidents* or *printers* are paid the several amounts of our salaries or bills for services presumed to be rendered to the public. It then becomes a very serious question—indeed, it may be regarded as one of *common honesty*, whether those who live on the revenue are not bound to support the revenue. I, myself, receive some money for certain copies of the REGISTER furnished to the public offices—but the amount is so small that, whether I received it or not, things would seemingly go on as they do—but my friends, the editors of the Intelligencer, as printers to congress, &c. come in perhaps for 25 or 30,000 dollars a year—honestly earned, I dare say, and affording only a reasonable profit for capital invested, responsibility encountered and labor bestowed: for all which they ought to make not less than 5000 dollars a year for themselves—as I hope that they do, because I think it right that they should. This, however, is a very handsome birth "in these hard times"—and is it consistent in them to wish well to any project that may lessen the means of government to satisfy their just demands on the treasury? Would they feel it right, may believe it honest, if one of their own workman, liberally paid for his services, was to rejoice at the addition of a subscription to the *Washington City Gazette* by the loss of one to the *National Intelligencer*? The proprietors of the latter do not feel hostility to the other establishment—they believe there is "room enough" for the two newspapers—but surely, they could not be pleased if their own were damaged for the benefit of any other publication: this would be against every principle of self-love, or even of *self-respect*, that operates on the human mind.

In thus singling out the case of my friends of the Intelligencer, I have no other object than to bring

the matter home to the common sense of every man. What is said about them, applies to all those who hold the most exalted and profitable, or the meanest and least productive, of the offices or appointments in the gift of the people of the United States and their government. All these are paid out of the revenue, and they commit the strange sin of injuring themselves—a sort of political suicide, if they do not support the revenue: this is derived from imposts, and even congress, perhaps, ought to use *taxed* paper that others might follow the *example*, and so furnish means to pay them their own daily wages. The reasons for this are most manifest—while the revenue was abundant, who thought of cutting down the expenses, and of dismissing persons from the public pay-list, only because they did nothing or had nothing to do? But now many are looking about to see in what manner a few thousands may be saved, because of the shortness of the revenue; and some persons will, no doubt, be pretty severely "keel-hauled" or dismissed as useless: others will be required to *do* what they have been paid for affecting to do—and this will be a severe thing upon many gentlemen who hold offices or appointments for the simple purpose of receiving the pay or emoluments that belong to them, kind hearted souls that they are! Economy is always an unwelcome inmate, except at the house of a miser; and is seldom, indeed, graciously received by governments or persons in power, even though its operation may not immediately affect their own particular receipts. Patronage, too often, constitutes the means of power, and keeps up a *perpetual motion* in favor of the head of a department or special branch of the government, very generally aspiring, or at least seeking its own gratification in well-serving itself or its friends.—But when Necessity opens the door and receives Economy, we see that many checks are thought of to reduce the *consumer fruges* corps, as Mr. Randolph would call it, that the productive classes may be relieved. This corps is in duty bound to kick Economy out of the house—to call her witch, imp of the regions below, or any other hard name they please, so that she may be discredited; and their best way to effect this is to do what they can to shew that she is *unnecessary*—that we can get along snugly without her officious interposition. Hence it is, that if an officer of the United States loves his own living, he should rather see persons begging through the streets for a mouthful of bread, than behold them happy and profitably employed in the fabrication of any article that would furnish revenue, if produced in a *foreign* country, for the benefit of *foreign* laborers. Nay, he ought to pray—if he can think that *such prayers* will avail any thing, that the cane of Louisiana and cotton plant of the Carolinas, &c. may be nipped by the frost—that the wheat of Pennsylvania, &c. should be cut off by the fly—that the rye crop should be blasted, and even the potatoe vines eaten up by the bug: for the simple reason that, IF all our sugar, cotton, bread-stuffs, ardent liquors and potatoes were imported, the revenue would be so large that the few thousands paid to himself would not be missed! Ponder on these things reader—and, appealing to thy own heart, say if there is aught extravagant in them; declare, on thy conscience as an honest man, whether he that thou payest by the sweat of thy brow, is not deeply interested in causing thee to work yet harder and sweat yet more; and in rendering thee the slave and tool, the mere *negro* of the system, through which he derives his means of living on the fat of thy land, and of riding over thee as so much dust the

defiles even the wheels of his richly painted chariot. It is true, that many *unthinking* people would consider an officer of the United States, who draws his living from a domestic consumption of the products of *foreign* labor, pretty much as a—bad man, if he should rejoice in the destruction of our manufacturing by fire, and that thousands of poor persons were thereby thrown upon the public charity, to be supported by the labor of others *as he himself is*—or that, like Nero, when Rome was in flames, he should fiddle and dance, because haggard famine filled the treasury by taxes levied on bread-stuffs imported—but, if just to his own income, he should do all this and more; for the elements of the impost system, as furnishing the revenue, would fully justify him in the desire to *provide for his family*—and he might say, "who does not provide for his family is worse than an infidel," and, like a "holy man, give scripture for the deed"—which the devil is said to quote on special occasions!

Of fine spun theories on political economy, I do not affect to know any thing—let those weave them that please, and dabble in them who may: one of the common-sense remarks of FRANKLIN, which always came home to the feelings of a man, was worth all the books made by *Adam Smith* and *M. Say*—and the naked fact, the horrible fact existing, that an officer of the United States, *as such*, is opposed to the prosperity of his neighbors who feed him, if their products, of any description whatever, are opposed to the introduction of such products from a foreign country, is, in my opinion, a comment on our system that even the ultra *Mr. Walsh*, of the "National Gazette," as his newspaper is called, will be at a loss to repel the force of.—The adamant of truth will laugh at musty quotations of Greek and Latin, and stale extracts from book-makers—*hired*, perhaps, like *Johnson*, to shew that taxation without representation, is not tyranny.

The plain state of the case always has been, now is, and ever will be, that the revenue system of a government, if dependent on imposts, must necessarily be founded upon the misery of the importing or the misery of the exporting nation, unless there is a perfect reciprocity between them.* Thus, if we receive British cloths, because it may be that they can manufacture such goods at a cheaper nominal price than we can, whilst they refuse to receive our bread stuffs which we can furnish on more reasonable terms than Britons can supply themselves at—their labor is advanced as to its means of producing profit, and our's lessened: and the duplicated profit—or rather, profit on one hand and damage on the other, operates to the advantage of Britain—whether it is for the comfort of her people or to enable her government to *make war*, we are still the losers—because commodity is not exchanged for commodity on equitable terms: and

*It is hardly possible that such a reciprocity should exist. One man, aided by labor-saving machinery, may produce as much as a hundred other men without it: the East Indian can subsist on 15 or 16 dollars a year, and live as well, according to his notions of comfort, as an American can on many times that sum—hence, there cannot be a reciprocity in the exchange of commodities produced by like quantities of labor in the two countries. But this subject embraces one of the most interesting branches of political economy, and shall furnish the matter of an essay, in which production and consumption shall be considered: the one assisted by machinery, the other as dependent on nature, grown into necessity by use.

the consequence is, that we would rake the dominions of Pluto for gold to send to England to buy her merchandise, *for revenue*, though she refuses our produce that *her revenue* may not be hazarded by its introduction. To use a vulgar saying, the whole matter is "like the handle of a jug—all on one side."

There is no other government than that of this republic, delicately declared by ourselves to be the organ of "the most enlightened people in the world," which acts upon the principle of depressing domestic industry for its own support! Many persons have laughed at a true story that I told in the REGISTER about a hopeful youth, the son of a worthy boot-maker, who, having taken the tour of Europe, through the liberal means afforded his father by the manufacture of boots for *Americans*, requested the parent to import boots from *London* for his own (the silly one's) particular use. A farmer's son might as well ask his father to import bread-stuffs; or recommend that he should suffer his own manure to be wasted and buy such stuff of the more prudent and saving: the smell of it being offensive to his nobility, though he had just jumped out of a dung-hill! These matters make us merry, while we pity the idiot things that desire them, because the lunacy is directly presented to our own understandings—but where is the difference, if, by the encouragement of foreign labor in the making of foreign cloths, we suffer labor to be wasted at home? The case of the boot-maker's son is our case—we elect men to office and feed them, and they, in return, are *in duty bound*, to lessen our comforts and deny us the means of enjoyment.—If our labor, in any way applied, will enable us to purchase enough of imported *taxed* goods to pay them their salaries, they are required to look on with complacency, though we go supperless to bed. If the whole territory of the United States was divided into "*ten miles squares*," and each, with its brigades of office-holders, could draw from *other* parts the handsome salaries expended in the precious spot which we have selected for the residence of our consumers, all might well say, "*let us alone*." This is not quite likely to happen, for the simple reason that *other* nations will not agree to support such legions of officers in *this* country, though they may talk and write ever so sweetly or ever so long!

In truth, the case at issue in the United States now is between the *producers* and the *consumers*: the *free laborers* of the republic and those who deem labor dishonorable. "There is no attribute of the *Almoner*" that can take a part on the side of the latter; and it is only the self-destroying generosity of the former that tolerates the controversy. Let the free laborers say—this policy shall be changed, and who will dare to resist it? But their grand error is in not electing for their representatives men who know what money is—if acquired by labor. They pick up persons to make speeches *about any thing*, rather than to do their will, and carry into the national councils the wants and wishes of the country.

I do not claim for the *home market* the allowances and bounties, preference and protection, afforded to the shipping interest in the United States, which actually costs us about two millions of dollars a year, though foreigners would bring us their own goods in their own ships, and rather increase than diminish the revenue *said to be derived from commerce*—a saying that is not true, for the revenue is derived from consumption. A man would be thought mad if he requested that ministers should be sent to

foreign courts, fleets stationed in the Mediterranean, and ships of the line, frigates and smaller vessels be sent to cruise in the Atlantic and Pacific oceans, to defend the property and persons of those engaged in raising food for others of their fellow-citizens employed in making cloth, &c together creating the home-market, though that market, in its mere nominal amount, is worth many times more than the aggregate of the foreign trade. But I wish that some little attention was paid, so that it would be compatible in an officer of the United States to love and respect his neighbor, who should establish a manufactory that would draw out of the streets a hundred little vagabonds, render them comfortable by employment, and raise them up to become useful to their country, instead of being burthensome on it.

It is true, however, that some of the livers on the public act inconsistently—if they have sons that are hatters or bootmakers, they generally prefer to obtain such articles from them, that their children may live by their businesses—and others prefer even home-made clothes, though every yard of cloth used by them may keep a couple of dollars out of the treasury from whence they receive their own pay: but there is a large number of those who maintain a consistency, and broadly prefer the foreign to the domestic fabric, from the *principle of interest*. In my last visit to Washington, I happened to mix with a parcel of them, and, looking for my own hat, was attracted by the word "London" proudly inserted in some of the heap. My curiosity was roused to discover to whom they belonged; and, so far as I ascertained the fact, they were invariably the property of receivers of the public money—and one of these, with whom I attempted to remonstrate, frankly justified himself by saying, that as he got his living from the treasury, he ought to aid the treasury: against which I could not say one word, for there was a *consistency* in the procedure that overthrew me at once: and this is the condition in which the laboring class stands with respect to the consuming.

ON THE FINANCES OF THE U. S.

Mr. Niles—The praise-worthy attention which you have devoted in your paper to an examination of the finances of the country, upon the sound state of which the movements of the government entirely depend, induces me to attract your notice to a part of the annual report of the secretary of the treasury, which I do not comprehend, for the purpose of asking you or some of your intelligent correspondents to explain it.

In the 7th page of the last report, (Dec. 10, 1821), I find the following sentence: "But, of the balances *of appropriations* for the service of the year 1821, necessary to effect the object of these appropriations, exclusive of balances which will not be required, and which have been deducted from the estimates of the year 1822, or will be carried to the account of the surplus fund, there remains the sum of \$2,268,611 28—which is an existing charge upon the revenue of 1821, and exceeds the balance estimated to be in the treasury on the 1st day of January next, by \$490,962 70;"—and on the opposite page, I find that "balances of military *appropriations*, carried to the account of the 'surplus fund,' amounting to '\$90,278 14,' are set down as a part of the *ways and means* of the year 1821.

*See the volume of the REGISTER just closed, page 250—[Ed.]

Judging from the language of the secretary, it would seem clear that he is speaking of *appropriations* only—that is, of *demands upon the treasury* authorized by law—and not of the *means of meeting them*. Viewed in this light, a man of plain sense will be at a loss to understand how *appropriations* carried to the surplus fund, that is to say, *demands upon the treasury, which, by law, are cancelled*, can be considered in the light of *means*.

To me it appears evident, that the secretary has confounded two things directly opposite in their nature, to wit, *appropriations*, that is, *demands upon the treasury* authorized by law, with the *means of meeting* such demands.

I hope, Mr. editor, that you, who have paid so much attention to the subject of the finances, or some of your correspondents, will be able to reconcile this apparent inconsistency. AN INQUIRER.

Washington City, Feb. 25.

BRIEF REMARK. I have only to say for myself, that when I was engaged in a careful examination of the late report of the secretary of the treasury, the paragraph quoted was read several times over with a view to catch its meaning, but without effect—and so passed as one of the too many things published now o' days, which it seems not thought necessary that common people should understand. It is possible that, to the initiated, the meaning of this sentence may be as clear as day-light; but, to me, it is covered as with "the tenebrious gloom that obscures the dismal night;" translated thus—the dark darkness that darkens the dark. I cannot make out the head or the tail of it; and will be really obliged to any one that will shew the plain *creditor* and *debtor* sides of the case, as to the business of the years 1821 and 1822. Ed. Reg.

LAWYERS. From the *True American*. Smollett, in his history of England, remarks, that one of the parliaments in the reign of Edward III. in 1351, by the many salutary acts which distinguished it, acquired the epithet of the *Blessed Parliament*—though there was not one lawyer in either house—the practitioners of the law having already made such proficiency in the arts of their calling that they were expressly excluded from sitting in the house of commons.

Were the people of this country to profit by this fact in their elections of members of congress, it is probable that they would have much less cause of complaint than they now have of high wages, long sessions, much said and little done. That the body of lawyers should be represented in congress in proportion to their numbers would seem to be right; but that they should have more representatives there than all other professions put together, two to one, appears to be neither consistent with justice nor policy.

Report on Vaccination.

Report of the select committee appointed to inquire whether it be necessary to modify or alter the law to encourage vaccination.

Agreed to in the house of representatives of the United States on Friday, Feb. 22d.

The committee to whom was referred the resolution of the 6th inst. directing them to inquire whether it be necessary to make any modification of the law passed in the year 1813, entitled "An act to encourage vaccination," have had the same under consideration, and report:

That the committee have not deemed it necessary to report the various reflections which have

presented themselves upon the subject of vaccination, but feel a confidence in the belief, that the opinion, heretofore entertained of its being a preventive of the small pox, is well founded, and believe it one of the greatest benefits bestowed upon the country, and one which ought to be cherished by every citizen of the republic.

They are aware that a disease, called by medical gentlemen varioloid, has, within a few years past, made its appearance in Europe; that it much resembles the small pox; and, under similar circumstances, has been as fatal as that disease ever was; none are exempt from its influence, neither those who have had the small pox, nor yet those who have been exposed to the influence of the vaccine; but it is gratifying to find that the weight of authority seems to favor a belief, that all those exposed to the infection of the latter, suffer much less than any others.

The committee have seen, with pain and regret, the occurrences which have lately transpired in the state of North Carolina, where the physicians in that part of the country believed the small pox to exist. These occurrences were of such a character as to claim their attention, particularly as the U States' vaccine agent, appointed pursuant to the provisions of the act referred to in the resolution, seemed to create a doubt as to the efficacy of vaccine in the prevention of small pox, and left the impression equivocal, whether it was not his belief that it was the varioloid disease in North Carolina, produced by some change in the vaccine matter whilst on its way to a physician in that state, to whom he had sent, or whether it had not assumed that character from the circumstance of the small pox epidemic in the neighborhood from whence it was sent. They have forbore to remark upon that transaction, as the vaccine agent has since ascertained, and acknowledged, that it was the genuine small pox matter he had sent to North Carolina, through his own mistake, which at once relieves the fears of those who doubt the efficacy of the cow pox, if there are any such; and dissipates the mist which hung over the subject, in the opinion of all who did not doubt.

It is proper to remark, that the disease called varioloid seems to partake more of the character of small pox than of vaccine, and that there is no fact, within the scope of their inquiry, to induce the committee to believe that vaccine ever has degenerated into varioloid. It is unquestionably true, that instances have occurred where persons have taken the small pox, after having the vaccine, though such instances are as uncommon as it is for persons to take the small pox a second time.

The tranquility of settled belief, has been disturbed by allusions to the difficulty of securing the continuance of genuine matter, though no doubt is entertained by your committee that proper attention will overcome every obstacle of that kind, eradicate every evil, and, finally, triumph over prejudice itself. Some reproach may have been brought upon vaccination, not, however, the result of any well-founded doubt as to its efficacy; but from the ignorance or carelessness of those who have used it, as it is well known that many benevolent persons throughout the community have taken upon themselves to vaccinate their friends and others, and, doubtless, have done much good; but if, in the progress of time, by want of care, the matter shall have become spurious, there is not adequate experience to detect the change, and, consequently, some risk of exposing the person to small pox, thereby bringing danger to the sufferer,

and unjust reproach to the cow pox. This kind of inoculation, done by every individual who feels charitably inclined, if with care, is not disapproved of, though they are decidedly of opinion, that it would be much better to trust it to the judgment and care of the medical gentlemen of the country.

The committee have deemed it not irrelevant to state a few prominent facts in regard to the effects of these diseases in different countries, which will more clearly shew the progress of opinion, and the advantages of vaccination. In the first place, it is proper to state, that there is authority for estimating the deaths in the natural small pox at one in six; and, though a more intimate knowledge of that malady, together with any benefit arising from inoculation, may have put it more in the power of physicians to control it, yet, in Great Britain, where vaccination is less attended to than in some other European countries, fifty thousand persons are annually destroyed by it. But, even there, by vaccination, all agree the waste of human life has been lessened. It not only secures the person from the small pox, but greatly lessens the danger to be apprehended from the varioloid disease, as may be seen by reference to highly respectable authority, which states that, at Millau, in France, containing about eight thousand inhabitants, two hundred vaccinated persons took the varioloid disease, and every one recovered, whilst two hundred persons who had not been vaccinated were destroyed.

In Denmark, by the care which the government has taken to cause the people to vaccinate, the small pox no longer exists. This remedy was introduced into that country about the year 1800, by laws which were vigilantly enforced. By these laws it was ordered that no person should be received at confirmation, admitted to any school, bound apprentice to any trade, or married, who had not been vaccinated, unless they had undergone the small pox. A just idea may be formed of the benefits which have resulted to Denmark—a country where the preservation of human life is more the object of governmental care and solicitude than almost any other—when it is known that the city of Copenhagen alone, during the twelve years preceding the introduction of the vaccine, lost by the small pox five thousand five hundred of its inhabitants. In the year 1805 not one death occurred in the whole Danish dominions from the small pox. Prussia has made many wise regulations favorable to vaccination, which have produced highly beneficial results. Formerly, the small pox was believed to destroy about forty thousand persons annually in that kingdom. In 1817, by this mild and entirely safe remedy, the deaths were reduced to two thousand nine hundred and forty, so that the proportion of deaths from small pox to those from other causes, had been reduced from one in seven, down to one in one hundred and four.

It is believed that the principality of Anspach, in Bavaria, containing a population of 236,406 individuals, lost five hundred annually in 1797, 1798 and 1799; and in the year 1800 there perished 1609 persons of that disease; but, so clear and distinct have been the effects of vaccination, that, from the year 1809 to the year 1819, only five cases have occurred, and not one death.

In France, prizes are given to the surgeons who have annually vaccinated the greatest number of persons.

In Lombardy, in the year 1808, in Milan and Ge-

neva, vaccination was believed to have extirpated the small pox.

If the statements of intelligent travellers ought to be taken as evidence upon a subject of this kind, there can be no doubt that vaccination has operated the same beneficial effects in South America which it has done in Europe; and the journals of our own country bear testimony to its great and increasing good throughout the republic.

The committee have viewed, with attention and concern, the promulgation of opinions tending to lessen the just confidence of the community in the efficacy of vaccination, from the circumstance of there being present slight affections of the skin, ulceration, or vascular disease. They will not undertake to decide what may be the effect of diseases of this character upon the result of vaccination, when they have affected the constitution of the individual, but think it doing no violence to the opinions of those who have adopted such, to consider them as a class distinct from the mass of the community. They are inclined to believe that the constitution of the individual vaccinated, with other causes, may vary the appearance of the disease in some degree, but not to change its character; to do that, there would be partial causes, easily detected and easily understood.

The committee, from all the reflection which they have been able to bestow upon the subject, are of opinion that no modification of the law is necessary, as its provisions put it amply in the power of those entrusted with the execution of it, to punish abuses whenever any exist. They therefore recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them by the resolution of the 6th inst.

Foreign Articles.

HAYTI.

It is now said that all the inhabitants in the late Spanish part of this island have made their submission and requested to become members of the Haytian republic. President Boyer was about to march some troops into the country—which, whatever may be its capacities, has been shamefully neglected by the mother country. The inhabitants, it is said, do not exceed 40,000. It appears that, in the first instance, the people of the city of St. Domingo had opposed this incorporation—but they afterwards acceded to it.

The latest accounts inform us that the city of St. Domingo was taken possession of by Boyer, with 7000 men, and that the whole island was now held under his authority.

The imports of Port au Prince for the last six months of 1821, are estimated to have cost in the United States 427,000 dollars. Among the articles were 36,710 bbls. flour, and two millions feet of lumber, with large quantities of beef, pork and hams, &c.

PERU.

Lord Cochrane appears to have entered Lima in triumph. He was seated in a magnificent chariot, drawn by four cream-colored horses, received by the local authorities with the greatest respect, and afterwards met by the archbishop, bishops and the whole of their corps—and then conducted to a splendid banquet prepared for him, at which were present gen. San Martin and all the chief persons of the city and neighborhood. Another account represents him in the most odious light for robbing

the government of Chdi of 6 or 700,000 dollars, which San Martin had collected on public account—and that these two chiefs were completely at issue. The admiral keeps close to his ship, and is reported fearful of trusting himself on shore, lest the general might put him in prison. But we should be slow to believe these things—Cochrane has, probably, offended many that were engaged in an illegal trade, as well as injured some that he ought not to have molested: on the whole, however, his character seems bad.

COLOMBIA.

The Caraccas Gazette gives us the names of the departments of the republic and of the senators therefrom, in the present congress. The departments are—Venezuela, Sulia, Boyacca, Cundinamarca, Magdalena, Cauca, and Orinoco.

Each of these seven departments (says the Aurora) have an executive officer, whose functions resemble those of the governors of our states; and each contains within itself all the powers of government—legislation only excepted, which is only in the congress, consisting of a senate and house of representatives, popularly elected.—Each department has its own treasury, its own judiciary, and there is no appeal out of the department to any other court. The department of Orinoco, we presume, consists of all that is east of Venezuela proper. The department of Sulia, comprehends Maracaibo, Merida, &c. and takes its name from a fine river, which descends into the south west angle of the lake of Maracaibo, which is the shortest route to the capital city of Bogota.

The geographical position of the rest, point out their circle of authority.

Two thousand men have been sent by the Colombians from Cartagena to garrison the important posts of Porto Bello and Panama, at which the royal authority was lately shaken off; and the royal forces made prisoners of. Porto Cavello and Maracaibo was still possessed by the forces of Spain, but their surrender was immediately expected. *Bolívar* remained the darling of the people. The British legion had been reduced to 300 men, by disease and battle. Gen. Devereux was in arrest for having assaulted and beaten the vice-president of the republic. *The British have chiefly monopolized the trade of this new nation.*

An official despatch from the patriot general Montilla, states that, at the capture of Cartagena, he had taken several millions of dollars, 3500 quintals of gunpowder, 1300 quintals of lead, 3000 stand of arms, and a full park of artillery.

MEXICO.

General Long, as he is called, it will be recollected, was captured, with his handful of adherents, by the patriots of Mexico, who, it was thought, would treat him and them as bandits and robbers: but it is stated that he and them have been taken into the service. His new rank is not stated, but his followers are said to receive one dollar per day.

Official report from his excellency general O'Donaju to his excellency the minister of war.

"My letters of the 31st of July and 13th current, which I had the honor of addressing to your excellency must have excited the compassion of his majesty for the state in which I found this kingdom on arriving at Vera Cruz. My situation there was the most difficult that ever public functionary was exposed to; the most critical and the most desperate, neither in military force, in which I was deficient, in public opinion, which was decided and pronounced against me; or in time, for every thing was done, could I find a clue for extricating myself from this

labyrinth which fate had conducted me into. [After enumerating much personal distress and embarrassment, the general proceeds:]

In all the provinces of New Spain independence had been proclaimed; all the cities had thrown open their gates, either by force or capitulation, to the defenders of liberty. There was an army of 30,000 men, of all arms, organized and disciplined; an armed people, amongst whom liberal ideas had been most powerfully propagated, and who recollected the weakness (which they qualify by other names) of their previous governors, directed by men of character and talents, and a chief at the head of the army, who knew how to excite them to enthusiasm, who had gained their confidence and affections; who had always led them to victory, and who had in his favor all the fascinations which usually surround heroes: the European troops were deserting by bands, seeking and finding employment with the enemy, the officers doing the same—in this following the example which had been set them by their chiefs; Vera Cruz, Acapulco, and Pirate remained; but the latter had engaged to capitulate when the capital should do so, and the former, without fortifications capable of resisting a siege; without a sufficient garrison, with thousands of partizans of independence within her walls, and the interests of the neighborhood in opposition. Mexico still remained to us: but in what a state! The vice-roy deposed by his own troops, who, by that act, had forfeited every claim to confidence; their number not exceeding 2,500 Europeans, with about as many more natives, including regulars, provincials and city guards; myself besieged from the moment I put my foot on shore, without correspondence with the interior, without provisions, without money; the provinces in that state of disorder and impoverishment which is naturally consequent to an intestine war of this character; the hands required by agriculture and the arts called off to bear arms, and with them to cause disaster and devastation; commerce paralyzed: the treasures of Europe, amounting to many millions of dollars, detained, some in Mexico, others in different parts of the kingdom, and all without the possibility of arriving into the possession of their proprietors, thus ruining the fortunes of thousands of opulent families of this and that continent—a ruin which would be felt by Spain for ages: in such a situation, and without instructions from the government applicable to the case, I resolved to re-embark and return to the peninsula. But it distressed me to think of abandoning two great nations thus to their fate, and I revolved in my mind incessantly a thousand ideas, without being able to fix upon any one. That of negotiation appeared to be the only one practicable. But with what hope could I flatter myself of obtaining any thing advantageous to my country? Who is ignorant that a negotiator without force, is in the predicament of agreeing to what is proposed to him, rather than of proposing what may be the advantage of the nation he represents? Nevertheless, I determined to try this extreme, and, in effect, I prepared the public mind for it by my proclamation of the 3d August, which I threw out to do what it could. It was not seen with displeasure, though bitterly criticised by some writers; and, as soon as it appeared to me to have sufficiently circulated, I sent to the supreme chief of the imperial army two messengers with a letter, in which I assured him of the liberal ideas of the government, of the paternal feelings of the king, of my own sincerity and desire to contribute to the general welfare, and inviting a conference. I

received one from the same chief, who, on seeing my proclamation, also sent commissioners to me, proposing a meeting. I repeat that I never did expect from this conference any result that could be useful to my country; but resolved to propose what, under all the circumstances, might, perhaps, be agreed to. I determined never to accede to what was not just and decorous, at the risk of remaining a prisoner with the independents, should they fail in good faith, (which, unhappily, is a case of too frequent occurrence). I left Vera Cruz to treat in Cordova with Iturbide; the result of our meeting is contained in No. 1, which is a copy of our convention. I know not if I have surrendered; but I know that the joy which I experienced on seeing this convention signed by Iturbide, as representative of the people and army of Mexico, can only be equalled by that of learning that it has been approved by his majesty and the cortes. I hope to receive this approbation when I reflect that all was lost without remedy, and that all is now gained, except what must have been lost a few months sooner or later.

The independence of Mexico was achieved, and there is no power on earth capable of depriving her of it. We ourselves have demonstrated what a whole people are capable of doing when determined to be free. It was necessary that Mexico should be recognized as a nation sovereign and independent, and be designated in future the Mexican empire.

Monarchy, when constitutionally modified, is the best known form of government for countries combining a considerable extent of territory and population with education and intelligence, which render despotism insupportable, and which, at the same time, do not possess all the virtues necessary for the support of republics or federative states. These facts controlled the agreement to the 2d article.

A people who constitute for themselves a form of government, have the unquestionable right of electing the prince who is to govern them: this election is indisputably spontaneous and free; and, from the lights which history sheds upon the subject, it generally falls on some individual of the country, commonly the most audacious, often on him who disposes of the public armed force, sometimes on him who has most friends, and rarely on the most virtuous; but, on this occasion, to the glory of Spain, one of her princes was elected to the Mexican empire. Don Fernando VII. is the first named in article 3d, and successively in order of majority, his august brothers and nephew.

The 4th article does not require explanation; it is of no importance to Spaniards. And if Mexico, by its geographical position, is not the best seat of government, other reasons confirm to it this distinction.

The fulfilment of the 5th article is dictated by the due consideration and affection for his majesty of the Mexican people and myself, and in consideration of the general desire that the coming of the emperor should not be delayed. I have directed don Pedro Deval and don Martin Jose de Olacchia, to deliver this letter into the hands of your excellency, who will have the goodness to lay it before the king, accompanied with a copy of the treaty of Cordova, hoping that he will deign to receive it graciously, &c.

The following articles, to the 14th inclusive, relate to internal dispositions, providing for the maintenance of order and the suppression of anarchy, guaranteeing the fulfilment of what is agreed to, and procuring by all means their success: only in

the 8th article it is remarkable, that I am named on the spot a member of the provisional government, for the reasons therein expressed, and to which I did not object; as my presence in the junta appeared to me useful, where I may always influence any discussion relative to the interest of my country: my functions ceasing at the moment when, conformably to the 3d article, the general cortes shall assemble, but remaining in the empire until the arrival of the monarch, or until I receive orders from my government. No. 2, is a copy of the declaration of Iguala, which is referred to.

Articles 15th and 16th secure life and property to Europeans; before, the first was exposed and the second lost.

To article 16th I could not object. How, indeed, could I refuse to recognize a right, which is inherent in every people, of commanding within their own territory? Or to what is expressed in the 17th article? The evacuation of the capital was necessary, indispensable; the honor of our arms was provided for, and the capital saved from bloodshed and ruin."

Congressional Debate.

Brief sketch of proceedings, Wednesday, Feb. 20th, on the military appropriation bill.

The house resolved itself into a committee of the whole on the state of the union, (Mr. Little in the chair), to take into consideration the bill for making appropriations for the military service of the United States for the year eighteen hundred and twenty-two.

Mr. Smith, of Maryland, (chairman of the committee of ways and means, who reported the bill), moved to fill the blank "for the pay of the army and subsistence of the officers," with the sum of nine hundred and eighty-two thousand nine hundred and seventeen dollars.

Mr. Baldwin wished, before an appropriation of this sort was made, to see a plain statement of the revenue of the country. He was unwilling to go on, until he knew the footing on which our financial concerns really stood. He was willing to cut the expenses down—he cared not how high, nor how deep it cut—but so far as to meet the revenue. The house was now called upon to pass a bill for the appropriation of a large sum. Before he could accede to it, he wished to see a plain tangible matter-of-fact statement of the revenue, and then the house could shape its measures accordingly.

He was not prepared to vote for borrowing money, nor was he inclined to appropriate large sums in the dark, without knowing from what quarter they were to be met. He, therefore, moved that the committee rise and report progress on this bill, with a view to postponing the final decision on it, to a later period of the session.

Mr. Smith, of Maryland, said, that the appropriations of the last year for the support of the military establishment were exhausted. We are now two months on the new year, and there is nothing wherewith to pay the demands on that department. Is this, then, he asked, the proper time to delay? Was it expected that the officers of the government should make personal advances? Certainly not—and neither the army, nor the revolutionary pensioners could be paid. The payment of the latter had been deferred last September, and now an instalment became due early in March. They were suffering for the want of it. The passage of this bill would not at all interfere with any propo-

sitions for economical reform which gentlemen might thing proper to make. It was only intended to meet the demands that arise from laws now in existence, and which the faith of the government is pledged to fulfil. Mr. S. was disposed to enter fully into the views of gentlemen, with regard to any proper retrenchment, where it did not involve a denial of justice and legal right. He also expressed his confidence in the report of the secretary of the treasury. He was satisfied that there was such a revival of commerce that the revenue would be adequate to the expenditure, and he saw no necessity that the committee should rise.

Mr. Williams, of N. C. was not disposed to throw any embarrassments in the way of the committee that had reported the bill. Yet he thought it the dictate of wisdom and prudence, to halt at this step, and reflect upon the situation of the revenue, before these appropriations were made. From his acquaintance with the proceedings of the house, he had been led to observe that they were too often driven to make appropriations by the pressure of circumstances. At those sessions that are terminated by law on the 4th of March, the appropriation bills have been usually presented a few days before its close, and we are compelled to pass them without much examination of the details, for fear it should not become a law within the constitutional term, and a violation of the faith of the nation result as a consequence. At those sessions, on the other hand, where the term is unlimited, we are met with a bill for partial appropriations to supply the exigencies of the first part of the year, and which we are always told is to be deducted from the general appropriation bill, and then this general appropriation bill is introduced at a period too late, or under circumstances too urgent to allow of that strict scrutiny which it was both the right and the duty of this house to make. Mr. W. thought the first and most obvious inquiry was, whether we have the money? This was a question to be put at the threshold, and he thought the inquiry of the gentleman from Pennsylvania, (Mr. Baldwin), had not been answered. If the chairman of the committee of ways and means would give an assurance that no bill shall be reported, to authorize the borrowing of money, or laying a tax, and that there would be money enough in the treasury to meet all the demands upon it for the expenditures of the current year, he should be disposed to acquiesce in the passage of the bill, which that committee had reported.

Mr. Smith, in reply, observed, that, so long as the law on the statute book remained un repealed, the expenditure authorized by it must be provided for and met, or the faith of the government must be violated. And, in answer to the gentlemen from Pennsylvania and North Carolina, he could say, that, beyond the necessary disbursements already authorized and directed by law, this bill did not ask for the appropriation of a single cent. It was not for him, however, to answer all the inquiries that had been put; nor was he authorized so to do as chairman of the committee of ways and means.—They had not been consulted upon them. Yet, as an individual member of the house, he would say, that, in his opinion, no bill would be presented by that committee to authorize a loan or to levy a tax, though he thought they would probably report a revenue bill, which should be calculated to increase the revenue. And, as an individual, he would further give it as his opinion, that the revenue would be adequate to the expenditure of the current year, over and above the unavailable funds. The gen-

tleman from Pennsylvania had wished for a *tangible* statement of the condition of the revenue, &c. A reference to the past experience of the country would convince the gentleman that such a statement was impracticable, &c. It had formerly been the practice to make the estimates upon a basis calculated upon an average of three preceding years. But, adverting to the condition of the country, in relation to the revenue department, for several years past, Mr. S. said that calculations, bottomed on principles which, till the recent extraordinary fluctuations in our commerce, had been found safe and correct, would now be fallacious.—He concluded by expressing his belief that we could not rely on calculations made by comparing the past with the future; but, in view of the present condition of commerce, he thought it fair to conclude that the income of the present year would be adequate to the expenditure.

Mr. Baldwin did not wish to examine the merits of the act of 1816, (to which the gentleman from Maryland had alluded); and he was sorry the case of the revolutionary pensioners could not be attended to, and their wants supplied, without drawing after them other appropriations, on which he thought sufficient information had not been yet been obtained. The bill was reported yesterday. It was laid on our tables this morning, and is not yet dry; and if he felt himself faulty in relation to this subject, it was in forbearing too long, rather than in coming forward too soon, to express his unwillingness to commit the nation to such an expenditure, without knowing on what foundation the public credit was placed. He respected the opinions of the gentleman from Maryland as much as any other gentleman, but the individual opinions of a member were not a ground on which it was safe for a legislative body to act. They involved no responsibility. By a former report from the treasury department, the revenue of 1822 was to exceed the expenditure by \$5,200,000, and where is this surplus? He would consent to this appropriation if it was to be limited to that surplus fund; but it was not; and the prophecies of four years having turned out to be incorrect, he was justified in judging of the future by the past. He felt it unsafe to adjust the appropriations upon any calculations of average: nor was he disposed to score down the treasury reports, like the forecasts of an almanac that predicts, that, about these days you may expect to meet fair weather at the bottom. He would proceed with any gentlemen and cut down expenditure, strike where it would, until it met the revenue. He wished to see where the revenue really was. It had been the practice, year after year, to talk of balances. But where were they? In the air—and if balances in the air would meet the solid appropriations of the house, there would be less objection to the passage of the bill. Mr. B. then adverted to the statistical account of the condition of the treasury, to show that, by the real situation of *available* funds, the treasury was actually in arrear by much more than a million of dollars. The time had come when in his opinion, it was necessary to make a serious and earnest call for the true condition of that department. Year after year reports had been made, and the only difference between them seemed to be in the magnitude of the errors they contained. There was one thing at all hazards, which it was the duty of this house to sustain—and that was the credit of the nation. Let this bill then be postponed until proper inquiry be made into that subject.

Mr. Cambreleng was opposed to the motion to

rise and report. He said that many of his constituents were creditors of the government, with whom it was a rule to allow no interest. One individual had a claim of 50,000 dollars, which was unpaid; and he thought an immediate appropriation ought to be made, to meet the demands upon the government, &c. &c. Mr. C. said, he thought that, on this subject, the gentleman from Pennsylvania, (Mr. Baldwin), had brought to bear, a gloom that had haunted his mind for four years past, and had led him into error. He (Mr. C.) wanted no almanac to convince him that the revenue was improving; and he exhibited a statement to shew that such was the fact, particularly in the city of New York. There was a general revival of industry and trade in the United States; and whether the funding system was continued or not, he deemed somewhat immaterial—nor did it increase the aggregate of national wealth, if one department was enabled to borrow money from another; but he would stake his reputation, as a prophet, upon the prediction, that the revenue of the next year would exceed the calculations of the treasury by more than two millions.

Mr. Baldwin was aware of the situation in which he was placed, but wished to be allowed to be supposed to be capable to think of one thing at a time. He did not, on the present occasion, rise to advance any doctrines as a radical, nor was it fair to suppose that he could have nothing but the tariff in his mind. With respect to the prediction of the gentleman from New York, (Mr. Cambreleng) he was disposed to give it as much credit as to other dreams and fantasies of the brain. If, however, the gentleman would give bond, with good surety, to the people of the United States, for the fulfilment of the vision, it would then be time for the house to receive it as a basis of appropriation. It was proper, in such cases, that the house should know on what basis the prediction was founded. A calculation had been made, relative to the city of New York; but he should like to know how the city of Philadelphia fared this winter? He thought that congress had legislated long enough on dreams and visions, and it was now time to get rid of the air-castle-building system, and to sober themselves down to plain matters of fact—to distinguish between money in the mine, and money in the pocket—and it was with that view that he moved that the committee rise and report.

Mr. Cannon supported the motion, and, *inter alia*, inquired whether this appropriation was not founded on the idea of a continuation of the army establishment upon its present basis, without any reduction whatever?

Mr. Randolph wished to carry the inquiry one step further than the gentleman from Pennsylvania—for he wanted to find, not only where the money comes from, but where it goes to! The committee of ways and means did not seem to be a committee of supply, to get money, but only to get rid of it. It seemed, however, that we had grown wiser than our fathers, and that it was now an object, as expressed by the gentleman from New York (Mr. Cambreleng), of total indifference whether the sinking fund was retained or not. Mr. R. then directed his remarks principally to the importance of retaining and supporting that fund. He presented, with his usual eloquence, a history of its origin and progress—traced it from the patriots who originated and sustained it—explained the difference that existed between it and the sinking fund of England—paid an elegant tribute of re-

spect to the integrity of Hamilton and the wisdom of Sherman, who had not thought it a matter of indifference; and concluded by expressing his concurrence with the gentleman from Pennsylvania, that further light should be thrown upon the actual state of our finances, before appropriations of so large an amount should be made. It is matter of regret that the reporter's limits for this day's report do not permit a more extended report of this speech.

Mr. *Cambreleng* replied to the remarks of Mr. Baldwin and Mr. Randolph.

Mr. *Ross* renewed an inquiry, suggested by Mr. Gannon, whether this bill embraced the objects of the partial appropriation bill, that had been discussed some weeks since in this house?

Mr. *Smith*, in reply, observed that it embraced only such disbursements as were of immediate and indispensable necessity. The partial appropriation bill was out of the question, and had no connection whatever with the present. This bill was entirely predicated upon items contained in the statute book, &c.

Mr. *Sergeant* thought that the house were brought unexpectedly to the consideration of subjects to which the legitimate purposes of the bill did not lead. Was it a question whether there should be a reduction of the public expenditures? No. Was it a question whether the revolutionary pensioners should be cut short of their pay? No. The question was, whether the house would make appropriations to carry into effect the laws already in existence, or whether we should break the faith of the government by failing to fulfil those promises to which that faith was pledged? We had a proposition to reduce the expenditures of one department of the government—and might have a bill to increase the revenue of another—but this bill did not affect the one or the other, nor was any gentleman committed by his vote upon it, to support or oppose either of them as they should be brought forward. Mr. *S.* was rather disposed to think there would be a diminution, rather than an increase of the revenue, and this from the circumstance that our exports had essentially decreased, and this could not take place—certainly not for a series of years, without a diminution also of the imports. Yet he was in favor of the bill, because he thought the faith of the government required its passage.

The question was then taken on the motion to rise and report, and lost—ayes 51, noes 78.

The question was then taken on filling the first blank with the sum proposed and carried.

[After filling up other blanks—]

Mr. *Smith* moved to fill the 5th blank for the purchasing department, (in addition to an unexpended balance of \$55,089 40), with the sum of \$73,433, which was agreed to. Mr. *S.* also moved to fill the 6th blank, for the purchase of woollens, for the year 1823, with the sum of \$75,000.

Mr. *Trimble* was disposed to limit this part of the purchasing department to American manufactures. He thought there were just complaints of great abuses, especially in the Indian department; for it was said, and he believed truly, that shot were transported from Georgetown to St. Louis, within two miles of the very place where they are manufactured in such quantities and of such quality as to be now in a fair way of passing down the Mississippi and along the coast, so as to drive the Philadelphia shot out of their own market. The same complaint was made in respect to tomahawks and other articles furnished for the Indians. And, in relation

to furs, it was remarkable that those received at the agencies, were transported to Georgetown and then sent back to Ohio and sold, to be made into hats, and thereby a loss accrued to the extent of all the expense of a double transportation. He believed there was never a more abominable speculation than had been practised on the United States in regard to some of these matters. Mr. *T.* concluded by moving to insert after the word woollens the words "of American manufacture."

Mr. *Smith* said a few words in reply—referring Mr. *Trimble* to a resolution submitted some days ago by a gentleman from Massachusetts, (Mr. *Eustis*), respecting the clothing the army in American manufactures.

Mr. *Eustis* observed, that, since he had offered the resolution referred to, he had communicated with the head of the purchasing department, and, to his great satisfaction, had found that his views had been anticipated in relation to the subject; for that all our soldiers were clothed in American fabrics. He expressed great confidence in that officer, and was satisfied that the proposition of the gentleman from Kentucky was superfluous.

The question was then taken on filling the blank with the sum of 75,000 dollars, as proposed, and carried.

Mr. *Smith* then moved to fill the blank for the quartermaster general's department, for regular supplies, transportation, rent and repairs, postage, courts martial, fuel and contingencies, and for extra pay to soldiers employed in the erection and repair of barracks, and other labor, with the sum of 313,217 dollars.

Mr. *Ross* observed, that he understood that the business of courts martial had become a money making job, and that a gentleman from the north (New-York) had made the modest charge of 13 or 14,000 dollars for presiding in them one year. He wished to be further informed on that subject.

Mr. *Smith* said, the appropriation here proposed was in the usual form; and that, in relation to the claim referred to, it was *sub judice*, and not decided upon.

The question was then taken on the sum proposed, and decided in the affirmative.

[Sundry other blanks being filled]—

Mr. *Smith* moved to fill the blank for pensions to the revolutionary pensioners of the United States, (including a deficiency in the appropriation of last year of \$451,836 57, and in addition to an unexpended balance of \$191,345 36 of the year 1820), with the sum of one million six hundred and forty-two thousand five hundred and ninety-one dollars, which was agreed to.

Mr. *Baldwin* then moved to strike out all that part of the bill which precedes the appropriation for the pensions to invalid and revolutionary pensioners—intimating, however, a perfect willingness that, if any gentleman wished to retain any particular appropriation, so as to make it a partial one, he would modify his motion accordingly.

Such a disposition not being manifested—

Mr. *B.* urged the adoption of his motion, and observed that he was unwilling that the urgency of the revolutionary claims should drag after them other appropriations, amounting, in the aggregate, to more than four millions of dollars, on such a premature and inconsiderate deliberation. The question was then taken and negatived—ayes 40, noes 70.

Mr. *Smith* then moved that the committee rise and report the bill as amended, which was agreed to. Adjourned without having taken up the report.

Seventeenth Congress—first session.

IN THE SENATE.

February 21. Mr. Johnson, of Louisiana, submitted the following resolution:

Resolved, That the committee on the post office and post roads be instructed to inquire into the causes of the frequent failure of the mails between the other cities of the United States and New Orleans; and that they further inquire into the expediency of providing for the conveyance of the mails to and from New Orleans, in covered carriages.

[Mr. Johnson spoke of the frequent failure of the mails, and thought that the arrangement suggested would not only be the safest and most expeditious, but also the least expensive.] The resolution lies one day on the table. [Agreed to next day.]

Mr. Lloyd, after presenting certain proceedings of the chamber of commerce of the city of Baltimore, relating thereto, offered the following resolution for consideration:

Resolved, That the committee on foreign relations be instructed to inquire into the expediency of removing the restrictions on our commerce which are imposed by the act concerning navigation, passed on the 18th April, 1813, and an act supplementary thereto, passed the 15th May, 1820.

The senate proceeded to a consideration of the bill to establish a territorial government in Florida, and was chiefly engaged in filling up the blanks and fixing the salaries of the different officers.—That of the governor was put down at 3000; of the secretary at 1500; the judges at 1800; the district judges at 2000 per annum, and the per diem of the legislative council at 4 dollars.

Mr. Lanman, who was accidentally absent when the vote was taken, obtained leave to record his name as opposed to the apportionment bill as it passed the senate.

February 22. Mr. Williams, of Miss. offered a series of resolutions having reference to the collection of duties in Florida, establishing ports of entry, &c. The chief part of this day was occupied with the bill supplementary to the several acts for adjusting claims to land, &c. in the districts east of the island of Orleans. After much debate, it was laid on the table.

February 25. Mr. Johnson, of Louisiana, from the committee on Indian affairs, reported a bill to abolish the United States' trading establishment with the Indian tribes, and to provide for opening the trade to individuals.

Other business transacted, will appear, as necessary, in our subsequent details.

February 26. The journal having been read—

Mr. Lloyd, of Maryland, rose and addressed the chair as follows:

Mr. President: It has become my painful duty to announce to the senate the melancholy fact, that my much esteemed and distinguished colleague is no more. An attempt to excite the sympathies of the senate for a loss so great, and so afflicting, would betray a suspicion of *their sensibility*, and would do injustice to the memory of him, whose loss we must all sincerely deplore. This chamber, sir, has been one of the fields of his fame. You have seen him in his strength. You have seen him the admiration of the senate; the pride of his native state; the ornament of his country.—*He is now no more.* But, for his friends and relatives, there is consolation beyond the grave. I humbly and firmly trust, that he now reposes on the bosom of his God.

Mr. King, of Alabama, then rose, and submitted the following resolve; prefacing it with the observation, that, although the senate and the country knew and honored the public character of the deceased, he had known him as a man, and knew how to appreciate the loss which they had all sustained.

Resolved, unanimously, That a committee be ap-

pointed to take order for superintending the funeral of the honorable William Pinkney, which will take place to-morrow morning at eleven o'clock; that the senate will attend the same; and that notice of the event be given to the house of representatives.

On balloting for a committee, the following gentlemen were chosen:

Mr. King, of New York, Mr. Macon, of North Carolina, Mr. Barbour, of Virginia, Mr. Rodney, of Delaware, and Mr. Williams, of Mississippi.

On motion of Mr. King, of Alabama, it was also unanimously

Resolved, That the members of the senate, from a sincere desire of shewing every mark of respect due to the memory of the honorable William Pinkney, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

Resolved, unanimously, That, as an additional mark of respect for the memory of the honorable William Pinkney, the senate do now adjourn.

And the senate adjourned accordingly.

HOUSE OF REPRESENTATIVES.

Thursday, Feb 21. Mr. Cocks laid on the table the following resolution:

Resolved, That the president of the United States be requested to cause to be laid before this house a statement, shewing the amount of woollens purchased for the use of the army during the years 1820 and 1821; of whom the purchases were made; at what prices; and what proportion thereof was of American manufacture. [Adopted next day.]

The bankrupt bill was further considered in committee of the whole. Mr. Woodson opposed and Mr. Lowndes supported the motion to strike out the first section.

The committee rose and the house took up the bill making appropriations for the military service of the United States for the year 1822.

[Mr. Tracy spoke of the rapid manner in which the bill had passed through the committee—he referred to certain documents that had been laid on the table, and said that the bill included a greater sum by 500,000 dollars than had been estimated to be necessary by the secretary of the treasury. Mr. Smith, of Md. explained the views of the committee at some length, and observed that the committee of ways and means were influenced in making their report, less by the estimates of the secretary of the treasury, than by the existing laws of this government, which required distinct and definite appropriations to the full extent of the amounts proposed in the bill. Mr. Tracy rejoined, and said that the estimate of the treasury department had reference to the sum total of the expenditure, and of course had nothing to do with the unexpended balances, which could not, in his view, be with propriety superadded to the amount reported by the secretary of the treasury. Mr. Smith remarked, that the difficulties of the gentleman from N. York would probably vanish, by reflecting that the secretary of war was different from the secretary of the treasury; and he thought the gentleman had unfortunately blended them, for that the requisition of the former was in a good degree made through the latter. Mr. Baldwin observed, that he had never known a bill like the present to have been pressed through the house in the manner in which this had been done. The estimates of the secretary were in the hands of the printer, and we are called on to pass a bill to which those estimates relate, and after the passage of which they will be entirely useless. Mr. B. went into a detailed view of the subject, to shew that this appropriation exceeded the estimates by 5 or 600,000 dollars. Was it no

then worth a day or two's consideration? and this, too, at a time when there were actual, not to say acknowledged, deficits? Mr. B. extended his remarks to a considerable length, and concluded by calling for the yeas and nays on the question of concurrence; which were thereupon ordered. Mr. *McDuffie* considered this as an ordinary appropriation—he thought the house might safely pass the bill, without being alarmed by the statements that had been made in respect to the revenue of the country, &c. He was satisfied that more than two millions would be found in the treasury at the end of the year. Mr. *Baldwin* wished for a tangible statement; for it would be found that when the question of appropriation was up, revenue would be one thing, and when tariff was up revenue would be another. He replied to Mr. McD. at considerable length, and expressed a hope that the subject would be fully examined. Mr. *Cannon* moved to lay the bill on the table—he thought the house was not prepared to act on it, and that the people would not be disposed to support a military establishment by taxation.* It was not a question of revenue, but one of expenditure, with him for military purposes. Mr. *Buchanan* thought the discussion was going wide of the question before the house—the bill was to pay expenses created by law. He was ready to pass it, and opposed to laying it on the table.] In this state of the business, the house adjourned.

Friday, Feb. 22. The following gentlemen were appointed on the select committee proposed by Mr. *Cook*, to take into consideration two communications from the treasury department, relative to the inspection of the western land offices, &c. Messrs. *Cook*, *Russell*, *Colden*, *McLane*, *Trimble*, *Stevenson* and *Lowndes*.

Mr. *Sergeant*, from the committee on the judiciary, reported the bill from the senate for the apportionment of the representatives of the United States according to the fourth census, with a recommendation to disagree to the senate's amendment thereto, which, on motion of Mr. S. was laid on the table.

Mr. *Floyd*, from the select committee appointed to inquire into the expediency of making any alteration of the law in relation to the subject of vaccination, made a report, concluding with the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them by the resolution of the 6th inst.

The report was agreed to, and two thousand copies thereof were ordered to be printed.

Some time was spent on the bill supplementary to the acts to provide for persons engaged in the land and naval service of the United States in the revolutionary war; but nothing decided upon.

The house then resumed the consideration of the unfinished business of yesterday, (the military appropriation bill.)

Mr. *Chambers* moved to recommit the bill to the committee of ways and means, with instructions so to modify the same as to limit it to such appropriations as are indispensably necessary, and he enforced his motion by remarks at considerable length. A debate ensued hereon, in which Messrs. *Farrally*, *Randolph*, *Smith*, *Williamson*, *Cooke*, *Buchanan*, *Wright* and *F. Jones*, participated.

After an ineffectual attempt to amend Mr. *Chambers'* motion, which was considered, a motion to

postpone the whole subject until Monday was lost—ayes 59, noes 74; and, at half past 4 o'clock, the house adjourned.

Saturday, Feb. 23. Mr. *Eustis*, from the committee on naval affairs, requested to be discharged from the further consideration of the petitions of *Marcos de Villiers* and *Arnald Guillemard*, (who pray the interposition of congress to release them from prison, in Pensacola, where they are confined by the acting governor of West Florida); and moved also that the petition, together with the accompanying documents, be referred to the president of the United States.

[On this a debate, or rather a dispute, took place, that occupied the whole day. It is stated to me as having been the most angry and unruly sitting that has occurred for many years, if ever before. A disposition seemed manifested to get up a debate like that which occurred on the Seminole war, which would only have resulted in the expression of an opinion; for this matter, like the former, does not come within the direct reach of the house, unless by attempting to impeach the president for the justified proceedings of his subordinate officers. The chief speakers were Messrs. *Cooke*, *Lowndes*, *Trimble*, *Colden*, *Eustis*, *Floyd*, *Randolph*, *Wright*, *Rhea*, *Walworth*, *Stewart*, *Chambers*, *McDuffie*, *Reid* and *Hardin*. The petitioners were two of those "Spanish officers" which gov. Jackson had deemed it necessary to drive out of the territory, that had returned, and were imprisoned on that account.

There was much good speaking and a great deal of sharp shooting; though we must believe that the ardor of the debate is much cooled in the report of it in the "National Intelligencer;" there is enough of it left to shew the general complexion of the discussion, notwithstanding several gentlemen attempted to soften it by temperate observations and sound argument. We select the following amount of the speeches of Messrs. *Randolph* and *McDuffie*, to shew the feelings that prevailed]—

Mr. *Randolph* thought this house could not, without a gross violation of its duty, turn a deaf ear to any man who says he is in bonds against law, and under our authority. It was not for us to sit here with stoic apathy, under circumstances like the present. It was worse than mockery to turn over the subject to the president of the United States, who is known, if not to approve, yet not to disapprove, of the conduct of the captain general of Florida. The congress sat here as the guardians of law and liberty. Were we asked whether we could not yield our confidence to the executive? He answered, no; for that personage was surrounded by a multitude of counsellors, in whom there could not be wisdom—for, like the Ishmaelites, the hand of each was raised against his brother. He disclaimed any personal hostility to any of the members of the cabinet—of one of whom he knew nothing, and for others of them he entertained a personal respect—but he repeated that, with such competitions and divisions as existed there, he would vote for no such reference.

Mr. *McDuffie* thought the sound sense of the house would indicate the propriety of pursuing the course recommended by the military committee; and he feared that if the house were to act otherwise upon this subject, it must act upon it unwisely and injudiciously. What was the inquiry, he asked? Not whether our officers had acted incorrectly; but whether the subjects of a foreign power have received from our officers an injury. And to whom is such application for redress to be preferred? To

*Many gentlemen speak of taxation and impost as two things—but the latter is as much a tax as any other levy can be. Indeed, it is the most onerous and unjust of all taxes. F. R. R.

the executive. It was not to be disguised that there were difficult questions pending between this country and Spain, and that there was a disposition on the part of the agents of Spain to throw firebrands into the public councils, to distract the operations of this government. They had already attempted to excite disaffection and disturbance in that quarter. He would admit there ought to be harmony in the cabinet, and no man would go farther than he would, to discountenance a spirit of division and distrust. But he was not disposed to change the ordinary channels in which business should proceed on the ground that the nation had not confidence in the executive. He asked, if the gentleman from Virginia, (Mr. Randolph,) in speaking of the loss of confidence in the executive, did not mistake his own for the pulse of the house, and of the nation? What administration, he would ask, had ever been fortunate enough to entitle itself to that gentleman's confidence? Or was it proper for the house to pay very great deference to the censures of a gentleman who had opposed every administration? When it is so difficult, continued Mr. McD. to preserve harmony among ourselves, it is at least desirable to exclude the effects of foreign disorganization, and foreign influence. And what is there before the house as evidence on which to act, but ex parte statements of these petitioners; and this, too, to the exclusion of that testimony which the hold this government has upon the duty and the honor of its own officers and agents presents to oppose it? And whose fault was it, he would further inquire, that the government of Florida was pro-consular and tyrannical? Whose but our own? The government of Florida was an anomaly—a territory of this government; yet, inhabited by Spaniards. But, could a free government be adapted to the condition of slaves? A free government is only auxiliary to human happiness, when it holds its jurisdiction over a free people. Mr. McDuffie extended his observations to considerable length, upon the necessity that existed of erecting a form of government adapted to the genius and habits of the people. The Spaniards there could have no just ideas of civil liberty—of trial by jury, &c. and it was the duty of the agent to examine his trust in the spirit of that government with which he was intrusted. If any blame rested any where, therefore, it must be in those by whom the government was organized. But, in reviewing the various circumstances, he thought we ought not to countenance a course calculated to produce distrust in our own executive, and to lead the Spanish government to believe that we would not sustain our own administration.

Mr. Randolph made some remarks in explanation of his reasons for calling Mr. McDuffie to order, [which he had done from a misapprehension of that gentleman's meaning], and his satisfaction with the explanation given. He had not the least disposition to carp at words used in the heat of debate—but the words used justified his construction of them. He ridiculed the idea of these poor Spaniards, kept under lock and key in Pensacola, throwing the brand of discord in the cabinet—it needed no Guy Faux to execute such a gun-powder plot as that. In reply to the remark of the gentleman from South Carolina, [Mr. McDuffie], that he had not supported any administration, he would merely say—though not to know that gentleman might argue himself unknown—yet he could say that, for more years than he had heard that gentleman's name, he was chairman of the committee of ways and means of this house, and gave his best support to the then administration. In reference to the proceedings on

the Florida bill of last session, he, acting at the head of the committee of foreign relations in consequence of the indisposition of the chairman, waited on the president and asked to know the views of the executive—the bill corresponded with those views. He had never supported the bill of the last session. He was, therefore, exempt from any blame, personally, for the passage of it. Mr. R. went on at considerable length in reply to Mr. McDuffie, to vindicate his course on this and on various other subjects, connected with the part he took in the public councils in years past. Mr. R. contended that it was perfectly competent for the house to order the discharge of the petitioners, as it had in the case of American citizens so held in imprisonment by the public officers, and between these persons and American citizens there should be no difference.

After 4 o'clock the house adjourned, without coming to any decision on the subject.

Monday, Feb. 25. Many reports were received from the different committees.

The speaker presented a communication from the president of the United States, relative to the correspondence which led to the treaty of Ghent, which, on motion of Mr. Floyd, was ordered to be laid on the table and printed.

The speaker presented a communication from the president of the United States, on the subject of extinguishment of the Indian title to lands, of which the right of soil is claimed by any particular state; which, on motion of Mr. Hill, was referred to the committee on the public lands, and ordered to be printed.

The house proceeded to the consideration of the order of the day, being the unfinished business of Saturday, and the question recurring to agree to a motion to discharge the committee on military affairs from the consideration of the petition of the two Spaniards imprisoned in Pensacola by the orders of the acting governor,

Much debate ensued—the speakers were Messrs. Hardin, Eustis, Mercer, Cocke, Little, Trimble, Randolph, Lowndes, Colden, Rhea, and Floyd; in the course of which Mr. Eustis, the chairman of the military committee, stated, that he was informed from good authority, that the papers relative to the confinement of these men had been forwarded from Pensacola to general Jackson; that he had transmitted them to the president; that they were received in this city on Thursday last; that an order was issued for the release of the men on Saturday, and was actually despatched for Pensacola.

No question was taken on the subject previous to adjournment, which took place on the motion of Mr. Randolph, who said, if it was in order, he would move to postpone this subject. Being informed that a motion to lie on the table had precedence of a motion to postpone, he said that he would then make a motion which would supercede the one before the house. He then said that he had to announce to the house an event which he hoped would, for today, quiet all agitation and all enmity. It was the death of a man who was unquestionably at the head of one profession in this country, who was the boast of Maryland and the pride of us all. Perhaps the loss was not irreparable. There had been a Homer, a Newton, a Shakspeare, a Milton; there might be another Pinkney; but there was not now. He moved that the house adjourn. The house adjourned at 4 o'clock.

[The report of the decease of Mr. Pinkney was premature; but he expired at 11 o'clock the same evening.]

Tuesday, Feb. 26. After the journal of yesterday had been read, in a part of which the fact of Mr. Randolph's having yesterday announced the death of Mr. PINKNEY was stated—

Mr. Randolph rose and observed, that he prayed the indulgence of the house, and of the delegation from Maryland—and particularly of the young member behind him, (Mr. Nelson, of Md.), whom, as well as his late father, his fellow laborer in that house, he was happy to call his friend, for having announced a fact which took place yesterday, though not true at the time the annunciation was made. [He alluded to the death of Mr. Pinkney, of Maryland]—and it was due to his own character to state with precision the canal through which he obtained the information. On the seats reserved for them, I saw, said Mr. R. one of the justices of the supreme court of the United States, who told me that the fact was so. I asked him if he was sure of it. He replied that he was—for he had just seen another gentleman—a most worthy member of the bar of Baltimore, equally entitled to credit, and none could be more so—who told him that he had seen the corpse. From thence I returned to my seat. At that moment a gentleman from Ohio, (Mr. Ross) was addressing the chair. The intervening time did not, as well as I could judge, exceed two minutes; and time, under such circumstances, would hardly appear shorter than the reality. I was myself, said Mr. R. under an impulse which I was as utterly unable to control, as I now am to control the throbbing arteries of my frame. It was under that impulse that I announced it as a fact to the house—for I could not bear that we should be occupied with that sort of discussion which was then pending, or with any at a time when a loss had occurred to this nation, and a void created which never can be filled—the loss of a man whose legal reputation transcended that of any other man in this country—the president of that court—of which both were most illustrious ornaments—only excepted; for, of all others, it might be said, that, in point of professional renown, at least, they were *proximo longo intervallo*. Mr. R. concluded by expressing the hope, that the apology he had made would be accepted by those to whom it was addressed. He owed it to his very respectable informant to state, that the whole grew out of that gentleman's mistaking the statement of the gentleman from whom he had drawn his information, (which was, that he had seen a person who said he had seen the last sad remains of Mr. P. and not that he had seen them himself.)

By unanimous consent the entry above referred to in the journal was then expunged.

On motion of Mr. Smith of Md. the order of business of the day was dispensed with, and a recess at the pleasure of the house was directed.

Soon afterwards a message was received from the senate, announcing the death of the hon. WILLIAM PINKNEY, a senator of the United States from the state of Maryland, and that his funeral would be attended on to-morrow from the senate chamber, at 11 o'clock in the forenoon.

Mr. Smith, of Md. then rose and submitted the following resolution, which was unanimously agreed to:

Resolved, That this house will attend the funeral of the hon. William Pinkney, late a member of the senate from state of Maryland, to-morrow at 11 o'clock; and, as a testimony of respect for the memory of the deceased, will go into mourning, and wear crape for thirty days.

And then the house adjourned over to Thursday.*

[Neither house of congress sat on Wednesday, that being assigned to attend an interment of the remains of William Pinkney. The body was carried to the senate chamber, where service was performed by the rev. Mr. Ryland, the chaplain of the senate; after which a procession was formed and the body buried in the ground near the navy yard. Such is the end of William Pinkney—such will be the end of the highest and the lowest of us: the deceased had his foibles and faults, the lot of humanity; but, on many accounts, will be regarded as one of the most remarkable men of his age.]

*The following proceedings took place in the supreme court on Tuesday morning. On the meeting of the court, Mr. Harper rose and addressed the judges thus:

"On the part of the bar, may it please your honors, I am about to address a request to the court, which I am sure will accord with its feelings, and I hope will not be considered as inconsistent with its duty.

"A great man has fallen in Israel." The bar has lost one of its brightest ornaments: the court one of its ablest and most enlightened advisers.

"When such men fail, it seems fit that some expression of public regret should attend them to the tomb. It cannot be useful or pleasing to them, but it tends to increase the effect of their example to those who survive, and to soothe the sorrow of their afflicted relatives.

"No where can such a tribute more properly be paid to the memory of our departed brother than here; where the pre-eminent talents and acquirements by which he adorned our profession, have been so often displayed; and he has taken so large a part in fixing those great legal and constitutional landmarks, by the establishment of which this court has conferred the most solid and extensive benefits on the nation.

"To express our deep sense of this great public and private loss, and as the most appropriate tribute now in our power to offer to the memory of the deceased, I request the court to allow this day for the uninterrupted indulgence of our feelings, and for that purpose now to adjourn."

Mr. Chief Justice Marshall replied in the following words:

"I am very confident that I may say, in the name of all my brethren, that we participate sincerely in the sentiments expressed at the bar. We all lament the death of Mr. PINKNEY, as a loss to the profession generally, and most especially to that part of it which is assembled in this room. We lament it, too, as a loss to our country. We most readily assent to the motion which has been made, and shall direct an adjournment until to-morrow at twelve."

The following entry was directed to be made on the minutes of the court:

"The court being informed that Mr. Pinkney, a gentleman of this bar, highly distinguished for his learning and his talents, departed this life last night in this city, the judges have determined as a mark of their profound respect for his character, and sincere grief for his loss, to wear crape on the left arm for the residue of the term, and to adjourn for the purpose of paying the last tribute to his remains, by attending them from the place of his death."

After the adjournment of the court, the members of the bar assembled in the court room; Mr. Cla-

THURSDAY'S PROCEEDINGS—FEB. 28.

In the senate—Several reports from different departments and committees were received, and variously disposed of.

The resolution submitted some days ago by Mr. Lloyd, about certain restrictions on commerce, was referred to the committee on foreign relations.

Some time was then spent on what are called the "Maryland resolutions," to appropriate some part of the public lands for the purposes of education—and the matter was then laid over till to-morrow.

The bill to lay out a road from the Ohio to the Mississippi river, was ordered to be engrossed for a third reading. It prescribes the route, and appropriates 10,000 dollars for the purpose.

The house of representatives had a busy session. Many petitions and reports were received, and sundry resolutions submitted, which shall be noticed, as necessary, hereafter. Mr. Whitman, after a speech of considerable length, submitted the following resolutions—

Resolved, That such parts of the documents accompanying the message of the president of the United States of the 28th of January last, as comprise the correspondence between Andrew Jackson, late governor of the Floridas, his deputies and substitutes, and the officers of his Catholic majesty there resident, and the issuing by the said Jackson of his proclamation of the 29th September, 1821, be referred to the committee on foreign relations.

Resolved, That such parts of the documents accompanying the message of the president of the United States, of the 28th of January last, as relate to the exercise of judicial functions on the part of Andrew Jackson, late governor of the Floridas, and the controversy relative thereto, between him and Elijius Fromento, judge of the court therein, be referred to the committee on the judiciary.

Resolved, That such parts of the documents accompanying the message of the president of the United States, of the 28th of January last, as relate to the employment of the military force of the United States, in the execution of the order and decree of Andrew Jackson, late governor of the Floridas, while claiming to act in a judicial capacity there, and to enforce his proclamation of the 29th September, 1821, be referred to the committee on military affairs.

After the resolutions were read, Mr. Whitman resumed his remarks—which were in opposition to the proceedings of gov. Jackson. The consideration of the resolutions was called for; a long debate about order followed—there was an appeal from the decision of the speaker, which, however, was affirmed, and Mr. Whitman allowed to finish his speech. A wide discussion followed—Messrs. Wright, Gilmer, Smyth, Sergeant, Lowndes, Mercer, Archer, Sanders, Cuthbert, Stevenson, Buchanan, Reid, Nelson of Va. Wood, Floyd, and Cannon, (some of them more than once), spoke to the subject—which, at last, was laid on the table—ayes 101, noes 41.

Several reports from departments of the government were received.

was called to the chair, and Mr. Winder appointed secretary.

On motion of Mr. Harper, seconded by Mr. Webster, it was unanimously resolved, that the members of this bar, as a mark of their regret for the memory of their deceased brother, the hon. WILLIAM PINKNEY, and their deep sense of the loss which the public and the profession have sustained in his death, will attend his funeral in a body, and wear crape on the left arm during the present term.

On motion of Mr. Wheaton, seconded by Mr. D. B. Ogden, it was unanimously resolved, that the proceedings of this meeting be signed by the chairman and secretary, and published in the National Intelligencer.

The meeting then adjourned.

H. CLAY, Chairman.

W. H. WINDER, Secretary.

The house then went into the consideration of the apportionment bill—the question being on a concurrence with a report of the judiciary committee, [disagreeing to the amendment of the senate, [in the provision respecting Alabama]. But, after debate, the house adjourned without a decision.

CHRONICLE.

☞ The report that nine U. S. surveyors were murdered by the Choctaws, sometime ago, is now said to be totally void of foundation.

The U. S. schooner *Grampus*, lieut. com. Gregory, arrived at Charleston, from a four month's cruise in the West Indies and along the coast of South America. Lieut. Gregory rendered assistance to many of his countrymen, and brought in three persons as pirates that he picked up on his voyage. The *Alligator* has just sailed from Charleston on another cruise.

The U. S. ship *Hornet*, capt. R. Henley, has arrived at Norfolk from Pensacola and Havana—from the latter place she convoyed 22 vessels, whose commanders gladly availed themselves of capt. Henley's presence to protect them from the pirates, who are more audacious than ever, and appear to be countenanced by, if not in partnership with persons of high standing in Havana, &c. and the authorities of the island, if they have the disposition, have not the ability to check their depredations.

Baltimore. A gentleman, whose name is unknown to the public, presented to the Orphaline Institution, in Calvert-street, the sum of 50 dollars, by depositing it in the charity box—and, feeling happy at what he had done, determined to increase his pleasure by sending a thousand to one of the directors, which he did. He is a lucky man thus to be able to purchase good feelings!

Fire. The house of general Solomon Van Rensselaer, near Albany, was lately destroyed by fire, communicated by some ruffians—this house was broken into last winter and the robbers repelled, leaving behind them tracks of blood, supposed to have been caused by the discharge of a musket by the general's son, and it is suggested that this act was one of vengeance for the injury then sustained. Large rewards are offered for the incendiaries.

Freshets. During the last week unusual damage was done by sudden rises of the water in many of our rivers and lesser streams. A notice of all the particulars that have reached us would fill several pages. The amount of injury sustained will cost many thousand dollars to repair. There seems to have been a general thaw that extended from the Hudson to James' River, at about the same time; and the carrying away of bridges and damage done to the roads, much deranged the progress of the mails for several days.

Maine. The seat of the government of this state has been removed, by law, from Portland to Hallowell.

Virginia. The legislature of the state of Virginia lately adjourned on account of the decease of the lady of one of its members.

Kentucky—156 or 158 dollars in paper of the bank of the commonwealth will purchase, at Louisville, &c. 100 dollars in specie—and specie is about 2 per cent. below the paper of good banks in the Atlantic states, or drafts on our principal cities.

Louisiana. A bill has passed the house of representatives to remove the seat of government from New-Orleans to Baton Rouge.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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MONEY-CURRENTS. The present condition of our money concerns is worth noticing—for we believe that the like has not existed for several years. It is notorious, that the general course of trade between Baltimore and the cities of Philadelphia and New-York, is decidedly in favor of the latter places—but now, so it is, that, if the Baltimore banks do not absolutely refuse to receive the bills of the banks of Philadelphia and New-York, they take them very sparingly, and as a matter of favor to their customers. Indeed, so great is the amount of their funds eastward, that notes offered for discount have been refused, unless the owners would take checks on Philadelphia, which, hitherto, it was rather a favor to receive, and they could not oftentimes be obtained. We do not pretend to account for this money-current—but we suppose that its former course will soon be restored.

‘SQUALLY!’ The Democratic Press says that large orders have been received in the United States, for the purchase of *Russian hemp*, on account of the *British government*—in consequence of which that article has risen 25 per cent. If the editor is not misinformed, that fact would shew that war is expected between Russia and Great Britain. The latter, we always supposed, would support her “good allies,” the Turks: but her efforts cannot avail any thing, unless all Europe is set in a flame; an event much desired by certain *Christian politicians*.

“THE BALANCE OF TRADE.” We have received a copy of the statements that accompanied the letter of the secretary of the treasury, of the 23d Jan. ult. and published in page 356 of the last volume of the REGISTER. They make an 8vo. pamphlet of 165 pages, besides several ponderous tables—and, by abstract or extract, a sufficient view of their contents shall soon be presented to answer all general enquiries; and the facts set forth are of an interesting nature, though the great purpose intended to have been accomplished by such statements may have failed—which was to shew the balance of trade.

At the close of the letter referred to and which is prefixed to those exhibits, the secretary of the treasury informs us that the imports of the year which ended on the 30th September, 1821, were valued at \$62,585,724; and the exports for the same time at \$64,974,382—on which he makes no sort of comment. The returns from the custom-houses gave him those items, and it was his duty to lay them before congress and the nation.

But—when the editors of the “National Intelligencer” published the letter alluded to, they proudly told us, that “the most important fact” contained in it was, that the exports from the United States for the said year, “exceeded the imports by two millions four hundred thousand dollars”—italicsing the words as in the preceding, that every body might be convinced of the prosperous state of our country! This glorious “and most important fact” was greedily seized upon by all other printers and publishers in the United States, whose notion of right or *business* it is to keep up the impost system at the cost of the free laborers of our country; and

the glad tidings rolled triumphant from Maine to Georgia—though, perhaps, no one really believed that the balance of trade was in our favor. Some one at Washington, who makes articles for the “Franklin Gazette,” at Philadelphia, said, in that paper of the 16th ult.—“I have frequently mentioned to you the subject of the balance of trade, and recently adverted to the custom-house returns, shewing, in the circle of trade, that the balance is in our favor,” to the amount of “2,388,658 dollars.” He then adds, “Thus it appears [yes, appears!] that we are not going to ruin quite as fast as some croaking politicians would have persuaded us; and that, on the whole, the present system of trade is a very good one.”

On seeing this, “I said to myself” I am one of those that he is rapping over the knuckles, and I thought that I could tell the exact amount which he receives of the *public money*, the candle-ends and cheese-parings excepted, and fully agreed that the “present system of trade” suited him (as it does all the office-holders) “very well” but as I had smiled at the paragraph from the “National Intelligencer,” and laid it aside that it might get cool, I put the article from the “Franklin Gazette” in the same pile, with a perfect assurance in my own mind that I should have occasion to bring them forth in the manner that I now adopt to explain them: for common sense told me that the rate of exchange on England, as high as from 8 to 12 per cent. premium, during the year stated, conclusively indicated that the balance of trade was against us.* That, even if the facts drawn from the custom houses shewed a fair nominal balance in our favor, there were dozens of things that should be taken into consideration, as opposed to a real existence of such balance—such as the amount paid on exchange, the different costs that belong to the purchase of goods in a foreign country that do not enter into an honest invoice to establish their value at our custom-houses, the frauds on the revenue by dishonest invoices and smuggling, the value of goods lost or damaged by shipwreck, bad weather and the like, (which, whether proceeding from or coming into the United States, have effect to increase the amount of export as compared with the value of the import, though individuals suffer), and insurance paid in foreign countries for the safe transport of goods—all which, if rightly put together, would shew an amount of not less than eight or ten millions, and, perhaps, much more, as we may attempt to exhibit in probable detail hereafter.

But our object now is to draw the attention of our readers to the “balance” that appears in our favor, that they may know of what *that balance* was made. The documents do not pass into the hands of many persons, and I venture to say that what I am about to state will be *news* to three-fourths of the members of congress themselves!

*The exchange is now nearly FIFTEEN per cent. against us, and “the balance of trade in our favor” is shewn by dray loads of silver, because the stock of gold is exhausted, passing through our streets for foreign places.

In the year ending 30th Sept. 1821, we imported—
Of gold and silver coin and bullion,* the value of \$8,064,000
Other articles, of all descriptions 54,521,724

In the same year we exported—
Of gold and silver coin and bullion \$10,478,059
All other articles 54,496,323
464,974,382

And the amount of imports being taken from that of the exports, shews the proud balance of 2,388,658 dollars in our favor, created by the export of 2,417,059 dollars in gold and silver more than we received of those metals. Without meaning to pun on the fact, this may well be called a *precious* balance, indeed!—and would cause one to laugh, if a body could laugh at such an exhibit of the prosperity of his country, in its present *good* system of trade. But it is not a laughing matter. If the tables prove any thing, they prove that nearly two millions and a half of specie were drawn from the circulation and use of the people of the United States, in the year 1821.

To proceed—this balance by no means exhibits the real state of the case. The imports of the precious metals was much more in silver than in gold, and the export, perhaps, more of gold than in silver; for the reason that an Eagle, in London, will purchase about as much as *eleven* Spanish or American dollars. Some our merchants have paid ten dollars and sixty or seventy cents, in silver for Eagles, to export to England, and put funds there to draw bills upon, as a mere transaction of buying and selling money or what passed as such; and it is perfectly understood, that large quantities of dollars have arrived here from Jamaica, &c. for the express purpose of being invested in gold—the comparative value of those metals differing in England from what it is in the United States—the reason or right of which it is not our present intention to examine; it is sufficient that the fact is as we have stated it, to shew where the “balance of trade” lies. But this is not all: many persons who export specie, for many and manifest reasons, would conceal the fact; but those who import it would rather proclaim it as a matter to their credit—and besides, to import is popular, and to export unpopular. I have heard a merchant engaged in the collection of gold for the British market, denounced as being an unprincipled villian for it, by one who ought to have known that the transaction was a fair mercantile one, and who would, on other occasions, say “let trade regulate itself,” as I told him at the time. The trade, as a trade, is as rightful as any other—and the current of the precious metal most valued at the great mart of commerce, shews where the profit of such commerce centres. So that, taking the tables together, they exhibit little to shew us really what the balance of trade is, or, so far as they go, indicate that it is decidedly against us. Nearly one half of our imports are from Great Britain and her territories, and thither also, one half of our exports appear to go: the nominal amount of the one is not materially different from that of the other, still there is surely a balance in favor of Britain, when 1141 sterl-

ing in the United States, will only purchase goods of the value of 100l in Great Britain. This shews that the nominal amount of goods, reciprocally exported or received, has little to do with the real value of such goods at their respective places of delivery, to say nothing of the great sums which, for public stocks or on private account, we owe to British subjects. There is no exchange in our favor to balance this high premium against us; and there cannot be a doubt that the balance of trade is severely adverse, even if regulated by dollars and cents, which have less to do with positive profit or loss than most persons imagine—such profit or loss being ascertained by the amount of subsistence or comfort that they afford or deny. Thus—if what may be called profit acquired, enables a man to drink Madeira wine that would prefer whiskey and water, he may really be a loser of enjoyment by it; and, on the other hand, a loss sustained that prevents a man from drinking wine who ought to drink whiskey, may be a real gain to him—and so as to necessities as well as luxuries or comforts; the measure of their value only remotely depending on the amount of money expended to procure them. To speak in the plainest terms—fifteen dollars in silver that will purchase rice enough to support an East Indian for twelve months, is as much to that person as sixty or more dollars to an American, that will only enable him to purchase as much bread and meat as will sustain him twelve months. How then would the “balance of trade” stand between those two persons, if regulated only by dollars? But this is a digression, and belongs more properly to a much weightier subject than that we are treating of.

To conclude—the editors of the “*National Intelligencer*” and of the “*Franklin Gazette*,” having told the people that there was a balance of trade in our favor, are bound to let them know, and to thank me for the discovery, that that balance consisted of eagles, half-eagles, and dollars, drawn out of the domestic circulation of the United States, to be exported to foreign parts, to purchase articles which our own commodities and the labor, &c. expended on their transport will not pay for; and say, that, as nobody eats or drinks, or is kept warm by clothes made out of gold or silver, these metals, leaving one country for another, furnish evidence that the labor of the receiving is more profitable than that of the exporting country, or that the latter is in a state of vassalage to the former. I repeat it—I think it is their duty to say, that the balance they spoke of was more than composed of specie sent off to pay for foreign commodities. This is the truth—and I hope that they will meet it without being ashamed of it.

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CALCULATION! The editor was some time ago favored with a letter from a correspondent in the interior of New York, after the manner of what is stated below; in the belief that it would give him pleasure to be informed that a “plain farmer” of that part of the country, had seriously turned his attention to the subject of taxation.

It appears that his family consists of six persons—himself, his wife and four children, well grown up, exclusive of hirelings. He is a hard worker, but a good-liver, and keeps every thing snug about him; but it is evident that the schedule of his purchases for a “winter’s supply” must have fallen much short of the whole quantity of such goods consumed;—however, it goes to shew certain facts which every farmer ought to reflect deeply upon: and if every one of this invaluable class,

*The bullion imported or exported is a small item—but included for the sake of precision.

†See documents No. 39, pages 60 and 62.

‡The same, pages 164 and 165.

when they visit our cities to make purchases for the supply of their families, would make similar estimates—they would *feel* the falsity of the often repeated story that it is *commerce* which furnishes the revenue: a tale which has been told over so many times that some of those who first *invented* the gross imposition, perhaps, believe it now to be true.

Extract. "Just before the hard-weather began, one of my neighbors transported his wheat, &c. to ———, and, having disposed of his products, according to his custom, he laid-in a partial supply of goods for the winter. On his return home he made out a curious exhibit of their cost, which I copy and send to you, together with a notice of his remark at the time.

	Price of articles.	tax thereon.	whole cost.
56 lbs. sugar	5.32	1.68	7.00
12 lbs. coffee	2.88	60	3.48
1 lb. hyson tea	75	40	1.25
2 lbs. souchong do.	1.25	25	1.50
2-2 lb. pepper	21	4	25
1 doz. tumblers	80 (about)	20	1.00
2 doz. plates	1.00	20	1.20
1 doz. knives and forks	1.60	40	2.00
3 bush. salt	1.75	50	2.25
2 gals. F. brandy	3.46	1.04	4.50
2 gals. L. wine	3.00	1.08	4.00
1 gal. J. spirits	1.02	48	1.50
3 gals. molasses	1.35	15	1.50
4 yards of cloth	36.00	9.00	45.00
3 vest patterns	2.40	60	3.00
18 yards of calico	3.30 (about)	1.20	4.50
36 do. linen	15.48	2.52	18.00
10 yards of flannel	4.20	80	5.00
12 pair of stockings	4.80	1.20	6.00

22.26

"And here I stopped, said my neighbor," finding that I had paid *twenty-two dollars and twenty-six cents* "in taxes"—not because I had obtained all that my family wanted, but because I could not spare any more money, and might get some articles on as good terms nearer home, as convenience permitted: resolving at the same time, that I never would pay such taxes again, and discovering that at least fifty dollars a year had been taken out of my pocket, for many years past, without my consent."

Note by the editor. The little table given above is not exactly as it was stated by the farmer, though the principle of the thing is maintained. In no item is anything like extravagance displayed—the groceries would not half supply a decent family of six persons during a winter; the amount of liquors is quite small, only *five* gallons in all. The cloths, &c. allow one suit to the father and his two sons, only *one* frock and *one* under garment to his wife and daughters, and *one* change of linen and stockings for each person in the family—which together, would require additional articles of dress to perhaps an amount quite equal to that which is laid out as the winter's supply. And I venture to say, that every *good-liver* in the United States, with a family of six persons, if they were to use foreign goods exclusively, could not pay less in taxes than fifty dollars a year. I myself pay about seventy, though I am at war with the system—being compelled, as it were, yet a while, to purchase many foreign commodities.

ABOUT MEN'S BRAINS—AND SO FORTH. During a certain battle, a person was killed by a cannon ball and his brains scattered over many others near him. One of these looked very grave at the occurrence, and, being asked if he was frightened? said, "No—I am only thinking how it was that a fellow with so great a quantity of brains should have been engaged in an affair like this!" So it seems, by this cool sort of reasoning, that the quantity of a man's brains may not prevent him

from getting into difficulties; and we are led to think that some are more influenced by their passions or interests than the amount of their brains, as a measure of their judgment; and this is also supposed to depend on the heart, the nearest way to which is said to be down the throat!—the *modus operandi* of this is too well known to require an explanation.

I have not taken "medical advice" on the subject, but have sometimes *almost* thought that men's brains might be located in their bellies—seeing that if you affect the belly you so often affect the brain. Thus, because I recommend economy in the public expenditure, every officer in the United States who knows himself to be [nearly] useless, apprehends that his belly is in danger, and "cudgels his brains" to make me out an Ishmaelite—which makes me feel quite unhappy, very unhappy, indeed! The same principle is applied by some that ought not to apply it, who make out persons as enemies of different institutions or departments, if they attempt to reform abuses in them, though with an entire view by reforming to preserve them. If I should say to the secretary of the treasury, "sir, your calculations of revenue are fallacious," I must stand as opposed to him by many of the belly-brained gentry. If about the collection of the customs, that one hundred or one hundred and fifty thousand dollars might be saved, without detriment to the public service—surely I am an enemy to the gentlemen who gather taxes from the people. If of the secretaries of war or of the navy—"gentlemen, your establishments are too costly for the present condition of the nation; cut then down to the lowest point you can, consistent with their efficiency.—especially by the discharge of useless or incompetent officers and agents"—bless us, what a working of brains would be produced!—I should be called a hater of the army and navy, though I have done as much, if not more, than any other *writer* to make them popular and keep up what is good in them, acquired at so great an expense to the nation. But—"there's no joking with the belly,"—and a pressure on *its* brains can hardly be tolerated.

As to myself, I do not care what *such* brained people say of me. I speak now the language that I used in the year 1798, and then it was fashionable with many that have forgotten it, through a change in the seat of their brains—these having been transferred from the *head* to the belly. But the body of the people will act consistently and love economy, without niggardness, in the administration of their affairs. All human establishments demand occasional gleanings, for it is their nature to be over-run with tares; and, if they are not plucked out, the whole may perish through the operation of *force*, which destroys the good with the bad, and will not discriminate. Every body says that retrenchment must take place, but two persons will hardly agree how they shall proceed to bring it about. One will preserve the civil list, including its items for foreign intercourse *in extenso*—another will not lessen the patronage of *one* of the secretaries, though both agree that something *must* be done: and their opposition may easily result in real injury to *all*, by refusals to reform this or that department. The public expenditure *must* be reduced to the standard of the public revenue, or the latter be raised to the standard of the former, and force will accomplish what discretion should perform.

There is a growing disposition in congress to reform abuses; and, if reform is resisted or evaded

much longer, a severe *cutting down* will take place. The *real friends* of our national establishments see this—experience has taught them to guard against destruction by the exercise of caution; and I have no hesitation in believing that the most faithful supporters of the army or navy, for examples, are those that are most zealous for a reduction of the amount of monies expended on them. I arrive at this conclusion from an examination of my own heart—being willing to allow to others the same honesty of motive which I *know* influences my own conduct. This expression of a belief will become prophecy in a short time, unless these persons effect reformation,—if it pleases Providence that there shall not be a general war, or extensive famine, in Europe, by which the government of the United States may have financial prosperity, and the people be led again into extravagance founded on the miseries of their fellow men.

CONGRESS. Some of the members are looking to an early adjournment—influenced by widely different motives. A part, because it would prevent the taking up of certain important subjects—another part, for the reason that they are hopeless of doing any thing good. That the national legislature has been long enough in session, no one will pretend to deny—but if it was asked, what business had been transacted? one would be much at a loss to guess how the members have been employed. It is true, we might say, that some had talked a considerable quantity and sometimes quite warmly—that they had otherwise killed time with much perseverance, and closetted themselves frequently and caucussed much to *manufacture* a president of the United States—which, by the bye, is a branch of domestic industry greatly encouraged in the “ten miles square,” and engages much of the talents of the nation for intrigue. And, because nothing important has been done, it may be a reason why no important thing should be attempted. Mr. Randolph is for breaking up at once—even without passing the usual appropriation bills to pay the “public paupers and pensioners” in office, as he denominated the consumers of revenue. But we hope that, instead of looking to a speedy adjournment, the time that has been wasted may be redeemed by *thinking* rather than talking on the public business. For verily, if congress should adjourn now, it would have been better if they had not met, except for one day, to have passed a general law to authorize the different departments to take as much money out of the treasury as they pleased—provided always, there was enough of it to satisfy them all, and that they could agree upon a division of it.

So far as my observation has extended, (and I have the pleasure to consider several of the *business-men* in congress as my friends), there are few situations in which a thinking person can be placed, that is more irksome than a writer's residence at Washington, when the time of a session is wasted as the present one has been. They are oftentimes ready to pack up their baggage and depart, without ceremony—and nothing restrains them from it but the consideration that if all, who are influenced by like feelings, should pursue the same conduct, more harm might be suffered by doing than by not doing business. But, judging by the appearance of the members, at different periods since I have had some knowledge of our congresses, it seems pretty plain to me that the amount of sober-looking, business-doing faces, has much diminished, and is, perhaps, yearly declining; while the amount of unre-

flecting-countenances has been on the increase.—It is true, a person is not to be judged by his looks; but we cannot help yielding up something to the physiognomy of men. Perhaps, there is as much speaking talents in the national legislature now, as at any other period—as much ability to examine into theories and adjust disputed points of doctrine; but the fruits of experience and the sound judgment that results from practice, are wanted—it may be, self-excluded by the preponderance of the other party, which worries and wears out the patience of their thinking colleagues. There are good members from each section of our country, zealous for the despatch of business—but that there are too many talkers and too few thinkers, is manifest to every man. We thus suffer damage, perhaps, as a cost to the nation, for its admirable system of representation; but this damage would be much lessened, if the people in their several districts, would act discreetly and prefer the strong-minded man to the glib-tongued: but there is a sort of local pride that too often gives a preference to the latter—what signifies it to send a man to congress unless he makes a speech that fills 6 or 8 columns in the “National Intelligencer?” The people like to see that their members “cut a figure,” whether the figure is worth any thing or not. We must correct this vulgar and destructive error. A representative should be able to express his opinion when necessary and the plainer it is done the better. Franklin, the printer, and Sherman, the shoemaker, would have succeeded as badly in making *set-speeches*, as our sophomoric orators would fail in attempting to *reason* with such men.

To return to the subject. Though the chairman of the committee of ways and means has acknowledged that any calculation about the revenue must be “fallacious,” it is determined that no present attempt shall be made to establish it on a permanent basis; and the main thing that interests that committee is the *ways* of expending, not the *means* of acquiring money. But there are many other things of much importance to the people, that might engage the attention of congress—a reduction of the cost of several branches of the public business, to prevent a waste of the public money on useless persons—a revision of the tariff, with a view to increase the revenue—and the enactment of some laws to protect the national industry, as applied to the production of bread stuffs and meats for the supply of those who are engaged in the manufacture of iron, wool, &c. &c. Is it not to be feared, nay, is it not probable, that this hasty stir about an adjournment, after so great a waste of time, may not have for its purpose to prevent the latter subject from being taken up or considered at all? The bankrupt bill, though not expected to pass, has had a patient investigation—the object of that bill is to release persons from the payment of their debts: but the matters which relate to the national industry, to enable the people to create value to pay their debts, are denied a hearing! * If

* I am afraid that some *then* incomprehensible expressions that I heard at Washington, early in January last, are about to be explained by the subjects brought up for discussion in congress—instance the bankrupt law. That some are sincerely favorable to its passage, cannot be doubted; but does any one of these really believe that it will pass at the present session? Still, the debate continues, and when the *speaking* about it is to have an end, no one can guess. Is it impossible that the friends of this law are made the agents of another

this is patriotic or praise-worthy, we cannot understand the meaning of terms. A very numerous body of people, who, aided by machinery, create a value far superior in amount to the value of all our products exported, are not listened to, though they ask only some degree of that protection and encouragement which is afforded to other and not more deserving classes of their fellow citizens. A few wretches in Cuba have depredated on our commerce, and, it may be, robbed our merchants of half a million of dollars, more or less—and we are quite willing, every body is willing, to spend an equal or superior amount to break up the business or keep them in check. Nay, we have gone even so far as to land on the shores of a *foreign* country, attack the inhabitants and set their houses on fire—and the whole of us justify the proceeding, and will justify it, even though it should cost us a war,—as it might or would do, if Spain was able to wage it, unless such acts were disavowed and indemnification made for the property destroyed, &c. If congress should rise without doing something for the *protection* of commerce thus assailed, (if the powers already vested in and exerted by the executive are deemed insufficient), what an outcry should we have—yes, and I would join in it—

interest, to prevent discussions that might result in the passage of laws?—or, to suppose, if the bankrupt bill should receive the “*go-by*,” that affairs in *Florida* may not be brought up to occupy the time, or to disgust the members so that they will agree to a precipitate adjournment? I merely suggest these things, that those more able than I am to lift the veil, may ascertain the motives by which men are governed.

The proposed time of adjournment is too far off or too close at hand: too far off, if it is resolved that nothing shall be done—too close, if it is intended to do any thing more than vote away money.

Since the above was written, we have received the “*National Intelligencer*” of Wednesday, which says—“We have said, that it is next to impossible that the state of business in the house of representatives can allow of an adjournment on the first Monday in next month. Let the reader judge. There are now on the list of orders of the day—that is, of propositions referred to committees of the whole house for discussion—one hundred and three in number; and there is, of propositions yet before committees or yet to be originated, at least an equal number. To adjourn in a month, the house must finally dispose of six or eight of these subjects, (some of them of great importance), in one day, or they must leave them untouched and neglected. Further, the number of the petitions presented to the house of representatives, since the commencement of the present session, yesterday inclusive, is *twelve hundred and fifty*. Upon the whole number, there has, to this day, we believe, been no final decision in favor of any one of the petitioners. Admitting that there are many cases of petitions which are frivolous, and some which are fraudulent—not to speak of the large class of cases in which, though hard, the government cannot interfere—yet it will not be denied that, among so great a number, there must be not a few entitled at least to a *hearing* in the house. There are strong reasons, besides the convenience of the members, why the present session of congress should have an early termination; but it is hoped that, at the adjournment, there will not be three fourths of the business of the session left on the table.”

but what is the value of *that* commerce compared with the manufacture of iron, only, in a national point of view? I doubt if it is as one to fifty, perhaps not as one to an hundred. Is there only one class of persons that may be *pirated* on with impunity? It seems so.

A small extension of protection to the manufacturing classes just now, would give prosperity to all the grain-growing districts of the United States, and, in a very short time, really turn the balance of trade in our favor, and enable the government, through the increased means of the people, to establish the public revenue on its only legitimate foundation—which is the resources of the citizens of the United States; and we hope that the present session of congress will not be closed without expressing its determination on the great subject that we have in view; that, as many of the elections for the next congress will take place in the succeeding autumn, the electors may clearly understand what it is *their* business to do.

CASE OF MR. THOMAS. Jesse B. Thomas, esq. a senator of the United States from the state of Illinois, was employed during the last summer, by the secretary of the treasury, to examine into the condition of the several land offices in Missouri, Illinois, Indiana, Ohio and Michigan, for which he received about 1,000 dollars, according to a statement just exhibited by him. The law provides that such examinations shall be had, and the amount charged for the services rendered is not objected to—but the appointment of Mr. Thomas, at the time a senator of the United States, has made no small stir at Washington, and caused the house of representatives to call upon the secretary of the treasury for all the papers connected with the transaction, which have been laid before that body and printed. Mr. Thomas had a letter of credit to receive money at the different offices as he might be entitled to it, at the rate of six dollars per day, and the like sum for every 20 miles travelled, while engaged in the public business.

It appears, from an article published in the “*National Intelligencer*,” as a letter from a gentleman in Washington to his friend in South Carolina, that other persons, while members of congress, have been employed by government during the recess of the legislative body—that Mr. Dawson, (representative) was appointed to carry a treaty to France; that Mr. Smith, (senator) commissioner to hold a treaty with certain Indians, and Mr. Tracy, also a senator, was sent to inspect the N. and N. W. posts, by presidents Jefferson, Madison and Adams. The constitution may not be violated by such appointments—but it is a “practice more honored in its breach than in the observance;” and we shall be glad, indeed, if the public feeling is so excited that no one will venture to make such appointments for the future, unless the emergency is great, and peculiar circumstances shall render such a proceeding necessary. The purity of the legislative body cannot be too carefully guarded; and it is evidently the intention of the constitution, that a member of congress shall not be compensated for other services out of the public purse, while he holds that appointment from the people or the states.

The constitution says “no person holding any office under the United States shall be a member of either house during his continuance in office.” Some contend that Mr. Thomas’ appointment did not amount to an “office”—but, surely, he was vested with authority and received pay for services rendered; and could not have taken his seat in the

senate, if any service was to have been performed at Washington, for which he should, at the same time, have been in the receipt of such pay: but this does not absolutely determine the fact, whether he was disqualified to receive a compensation for services rendered during a recess of the legislature—about which “a great deal might be said on both sides.” But we hope that no such a case will again occur to cause persons to speak of it.

FOREIGN NEWS. By an arrival at Charleston, London papers of the evening of the 5th of January (one day later), have been received. The following is a brief notice of the chief things presented:

In *England*, a war with Russia was talked of—but there was not any fluctuation in the funds—which is the British barometer.

In *France*, the new ministry was severely assailed. It had been understood that the censorship of the press would be abolished, whereas certain regulations, in substance as follows, were offered to the chamber of deputies:—

Art. 1.—No journals except those which at present exist, can henceforth appear without the authority of government.

Art. 2.—The offences of the journals against individuals, will be prosecuted in the ordinary manner.

Art. 3.—In case the spirit or general tendency of any journal or periodical writing shall be of a nature to injure the public peace, or the respect due to the religion of the state, or to the other religions recognized in France, or the authority of the king, or the stability of constitutional institutions, the royal courts, within the range of whose jurisdiction these journals are published, shall have the power in solemn audience, to suspend the said journals or even to suppress them.

Art. 4.—If, in the interval of the session of the chambers, grave circumstances should momentarily render insufficient the measures of guarantee and repression at present established, the censorship shall be immediately restored to activity in virtue of a royal ordinance, countersigned by three ministers.

The 5th article only states that the provisions of the former law, not repealed, shall remain.

On the reading of this project of a law, it is said, the liberals showed a violent disapprobation. The right side testified no feeling, and only called out “order!” Discussions of the most violent character, and most vital importance, are expected to take place. Many of the royalists are dissatisfied with the executive conduct of ministers, and their legislative wisdom is not likely to re-inspire confidence.

M. de Cazes was expected at Paris, to oppose ministers in the peers.

In *Spain*, the cortes have attributed the disorders, in part, to the conduct of the ministers, and urged their dismissal.

Of the affairs of *Russia* and *Turkey*, it is said that an accidental rencontre had taken place on the Pruth. The report about the assassination of the sultan is not true. The emperor Alexander was expected at Wilna. Many war rumors were afloat at Vienna; but it is asserted that Austria would remain neutral. The Turks had ravaged and exhausted the province of Moldavia.

The ordinary expenses of the kingdom of the Netherlands for 1821, is fixed at 55,875,052 florins, the extraordinary at 18,688,856, besides one million as a vote of credit. A bill was before the chambers to levy duties on importation and exportation, and on the transit of goods.

Several of the late revolutionists of *Naples*, among

them gen. G. Pepe, have been consigned to the “holy keeping” of the truly legitimate emperor of Austria, who has sent them to the dungeons of Prague. When Napoleon, who three times had his foot on the neck of this stupid tyrant—why did he not crush it?

We have also some news from South America. A gazette, to be printed in the English language, is proposed to be published at Caraccas. Bolivar has directed that 1000 dollars a year out of his salary, shall be paid to the widow of a citizen—she being reduced to abject poverty.

Gazettes and periodical publications, pamphlets, &c. whether foreign or domestic, are exempted from postage in the republic of Colombia; unless the weight of a pamphlet, of national printing, shall exceed four ounces.

A letter from *Buenos Ayres* states the death of Carrera—he was carried to the spot where his brother died, and there shot. He refused to be blindfolded. It is said that parts of his body were sent to different provinces! Ramirez had also been executed. Order has been restored to the interior, and the present administration is popular.

An account received from Valparaiso, justifies lord Cochrane in his late seizure of the money collected in Peru, by San Martin. The success of the expedition had chiefly rested on the fleet—the seamen had not been paid for two years; the admiral took the money and paid them. It was believed that the Chilean government would justify him in the procedure—but he and San Martin were fairly at issue, and one or the other, it was thought, must retire from command. Chili will carry on a lucrative commerce with Peru.

A new congress was to have met in *Mexico* in February last, to consist of 162 deputies and 29 proxies—the deputies to be divided into two legislative bodies of equal numbers, so that the laws which originate in one chamber may be revised in the other. It is imperative that the deputies should be of different classes—some of the departments, are required to send at least one farmer, miner, mechanic, merchant, lawyer, priest or nobleman, &c.—This is a singular regulation.

All the inhabitants of New Spain, without distinction of country or color, are declared citizens, and may hold any office in the gift of the people or the government.

SUGAR. Several planters in Florida have already commenced the cultivation of the sugar cane, on the river St. John's, in the neighborhood of lake George, and no doubt is entertained of their success.

The river St. John's, which runs nearly through the whole tongue of land called East Florida, from south to north, is navigable for vessels of 35 tons the distance of 150 miles from the sea. If it were not for a bar at the southern extremity of lake George, any vessel that can pass the bar at the mouth of the St. John's, might proceed up that river as far as it has been explored, says the account; but the bar at lake George admits the passage of vessels not drawing more than 6 feet water. The lands on this great river are heavily timbered.

ALTERED FEELINGS. A British vessel of war lately arrived at Charleston from the West Indies, with 500,000 silver dollars, for that city and New-York. A while ago, we never heard of such an occurrence without pleasure, thinking that it furnished conclusive evidence of the prosperous state of our country—believing that specie was chiefly used be-

tween the dealing men of different nations to adjust accounts and pay off balances, which could not be settled by a mutual exchange of commodities of their own growth or product. It is commonly the last article of trade that leaves a country—and will not leave any one, unless there is nothing that will pay a freight and assist in adjusting balances of trade. Rags—brimstone—the most filthy or most dangerous articles for export, are preferred, if they will yield a profit sufficient to pay the cost of transportation.

But now we do not feel pleased with such arrivals—we know that the United States was drained of two millions and an half of dollars, in specie, in the course of the last year, and we are to understand by such importations that they are made for the purpose of being exchanged for gold, though this may not be the case in the present instance. The general design cannot be mistaken, when gold is at about *eight and an half per cent. premium*, and Spanish dollars, until very lately, would not command one per cent. premium, if any; though at present the brokers sell them at 2½. Our eagles, being worth ten dollars and eighty five cents in silver, for the British mint, have nearly all taken wings and flown away—yet it has been said that “the balance of trade is in our favor!”

RESTRICTIONS ON TRADE. The following are certain resolutions that were passed by an association in Baltimore called “the Chamber of Commerce,” on the 16th ult.

“The committee to whom was referred the memorial of the citizens of the borough of Norfolk, respecting the restriction on commerce, which was laid before this chamber on the 4th inst. beg leave to report, that they have given it, as well as the subject on which it treats, their most attentive consideration and reflection, and are deeply impressed with the conviction that the said memorial contains facts and remarks which are just; they therefore recommend the following resolutions:

Resolved, as the opinion of this chamber, that the interest of commerce will be promoted and the revenue of the country improved, by removing the existing restrictions on the West India trade, and that the shipping interest of our country will be greatly benefited, inasmuch as it will be the means of encreasing the number, variety and quantity of articles for exportation, and of course encreasing the employment of our ships, and facilitating our intercourse with foreign nations.

Resolved, also, as the opinion of this chamber, that commerce flourishes most where it is most free; that the importance and value of the American commerce will be promoted by allowing our sea ports to be made the depot of all foreign productions, subject, nevertheless, to such duties, as the wisdom of congress may prescribe; and provided, that no drawback of duties is allowed on exportation by any foreign vessel.

Resolved, That it be, and hereby is recommended to the senators and representatives of this state in congress, to advocate the repeal of the laws passed the 18th April, 1818, and the supplement thereto, passed 15th May, 1820, which constitute what is denominated the restrictive system.

Resolved, That the foregoing resolutions be transmitted to our senators and representatives in congress, by the president of this chamber.”

☞ We have taken the liberty to italicise a few words in the 2nd resolution, viz: “that commerce flourishes most where it is most free,” and the part that recommends a restriction, “that no drawback

should be allowed on exportation by any foreign vessel.” That is, that commerce should be free for our own vessels, but restricted as to foreign ones: the very thing that the laboring classes of our country want, for the advancement of other objects. But really, the “chamber” has strangely expressed its meaning; best if most free—yet restricted!

We understand, however, that the merchants of this place, in general, disavow the preceding resolutions as expressive of their opinion on the subject, and that a counter memorial signed by many of them, has been or is about to be presented to congress: and it is said that the “chamber” which decided on the important question submitted, was composed only of 25 persons, 13 of whom voted for and 12 against the passage of these resolutions.

MARYLAND. At the late session of the general assembly of this state, a law passed to levy a direct tax of 30,325 dollars, apportioned among the several counties as follows:

Allegany	\$442
Frederick	2,854
Montgomery	1,022
Washington	1,474
Charles	1,348
St. Mary's	790
Calvert	482
Prince George's	1,538
Anne Arundel	1,963
Baltimore	9,734
Harford	1,070
Cecil	1,190
Kent	843
Queen-Ann's	1,126
Caroline	450
Talbot	828
Dorchester	1,102
Somerset	1,108
Worcester	982

The above is 1-5 of the late United States direct tax.

By which it appears that Baltimore (city and county) pays nearly one-third of the whole—and, as this district has 6 members out of the 80 that compose the house of delegates, the taxation is *one-third* and the representation *one-thirteenth*. Here is equity! Baltimore, with 6 members, pays nearly as much tax as twelve other counties with 48 members; or a decided majority of the whole power of legislation in the state. What a “glorious constitution!”

It may be asked, why do you not rectify it?—We answer, because men “feel power and forget right.” We have also one-third of the free population of the state. But the *consolation* is left us, that the first principles of natural right are as much violated in Virginia as they are in Maryland—the Old Sarum rule of constituting legislative power prevailing equally in both.

NEW YORK CANALS. The total receipts of the commissioners of the canal fund, to the 31st of December last amount to \$3,851,828 15

Expenditures, 3,455,638 62

Unexpended balance Jan. 1, 1822, \$396,189 53

The receipt for tolls on the Western canal last year was \$20,224 88; on the Northern canal, \$1,386 84. The commissioners estimate that the tolls for the year 1822, will amount to \$40,000.

The annual product or revenue set aside for these works, is estimated at 220,000 dollars, for the year 1822—viz. duties on goods sold at auction 115,000; duty on salt manufactured in the Western district 60,000; commutation for tax on steam-boat passengers 5000; tolls 40,000.

The unproductive funds appropriated to the making of the canals, are 137,632 acres of land—which was chiefly given by the Holland company, and some by individuals to forward the work.

The receipts of the last year amounted to 1,625,501 dollars, of which 1,400,000 was by loans, and the sum of 50,560 as *premiums* thereon; and the expenditures were 1,246,880.

Thus these mighty works go on, and acquire strength from their own progress.

VERMONT. A convention was lately held at Montpelier to take into consideration certain amendments to the constitution, proposed by the "council of censors." After organizing themselves, they proceeded to business, and, before the close of the *second* day, had considered and decided against the five alterations proposed. The convention met the next day to give due form to its proceedings, and, at an early hour, adjourned *sine die*. What length of time would such matters have consumed, if they had been submitted to the congress of the United States? Judging from the business transacted at the present session, we cannot believe that it could be accomplished in less than three months.

PROTESTANT EPISCOPAL CHURCH IN THE U. STATES—from a work recently published at New York.

In the eastern diocese, composed of the states of Maine, New Hampshire, Massachusetts and Rhode Island, of which the right rev. Dr. Griswold is bishop, the number of the clergy is as follows:—

In Maine 2; New Hampshire 4; Massachusetts 16; Vermont 7; Rhode Island 6—making a total of 33

In Connecticut, of which the right rev. Thos. Church Brownell is bishop, 45

In New York, of which the right rev. Dr. John Henry Hobart is bishop, 85

In New Jersey, of which the right rev. Dr. John Croes is bishop, 14

In Pennsylvania, of which the right rev. Dr. William White is bishop, 28

In Delaware, 3

In Maryland, of which the right rev. Dr. Jas. Kemp is bishop, 55

In Virginia, of which the right rev. Dr. Richard Channing Moore is bishop, 28

In North Carolina, 9

In South Carolina, of which the right rev. Nathaniel Bowen, D. D. is bishop 26

In Ohio, of which the right rev. Dr. Philander Chase is bishop, 8

In Georgia, 3

In Kentucky, 4

In Louisiana, 1

In Missouri, 1

In Florida, 1

Total 346

The following compose the "house of bishops"—Dr. White, presiding or senior bishop, Doctors Hobart, Griswold, Moore, Kemp, Croes, Bowen, Chase, Brownell.

Though there are only 346 clergymen of this denomination of Christians in the United States, there are nearly 600 congregations; and, in some instances, one clergyman has to perform service at three or four different places.

THE TRUTH. The "New York American" says—"It is useless to disguise the fact, that sooner or later, resort must be had to direct taxation for the support of government, and we are satisfied that the longer such a system is delayed, the more onerous it will be when adopted. It is both unsafe in practice, and unsound in theory, that the whole resources of a country like this should be made to depend upon commercial revenue, which, from its very nature, is least available when most needed."

Longitude of the Capitol.

FROM THE NATIONAL INTELLIGENCER.

On the 30th day of March, 1821, a joint resolution was passed by the two houses of congress, authorizing the president of the United States to cause astronomical observations to be made, with a view to determining the longitude of the capitol in the city of Washington, from Greenwich, or some other known meridian in Europe, and to cause the data, calculations, &c. to be laid before congress. Mr. William Lambert having been selected to perform this service, his report thereon was transmitted to congress on the 8th day of January, and has just issued from the press, in a tract of eighty pages octavo.

The result of all the observations, for the longitude of the capitol, is given thus:

	<i>From Paris Obs'y.</i>
	o ' " dec.
Prior to the 3d March, 1821	79 15 41 46
Transit observations	79 15 42 00
Solar eclipse of August 27, 1821.	
(Mean of two methods)	79 15 41 60
Mean result	79 15 41 69
	<i>From Greenwich.</i>
	o ' " dec.
Prior to the 3d March, 1821	76 55 30 31
Transit observation	76 55 30 85
Solar eclipse of August 27, 1821.	
(Mean of two methods)	76 55 30 45
Mean result	76 55 30 54

Assuming "the president's house to be N. 70° W. one mile and a half and fifty feet, or 7970 feet from the centre of the capitol," the longitude of the president's house is thus stated:

	<i>From Paris Obs'y.</i>
	o ' " dec.
Longitude of the capitol W.	79 15 41 69
Difference of longitude	+ 1 34 79
Longitude of the president's house	79 17 16 48 W.
	<i>From Greenwich.</i>
	o ' " dec.
Longitude of the capitol W.	76 55 30 54
Difference of longitude	+ 1 34 79

Longitude of the president's house 76 57 53 33 W.

"The greatest variation," says Mr. Lambert, "in the several results as above stated, allowing 94,806 yards to a degree of longitude in our latitude, is 14 yards, 0 feet, 8 inches, from which we deduct 19 feet, the distance at which the transit instrument was fixed west of the centre of the capitol, we shall have seven yards, two feet, eight inches. If we compare the mean result of all the observations with that which has been recorded in the abstract"

of calculations, heretofore furnished the two houses of congress, and allow the same deduction, the variance nearly vanishes and does not amount to 11 inches of our admeasurement. If we admit the difference of the meridians of Paris and Greenwich, to be $2^{\circ} 20' 15''$ as stated in the *Connaissance des Temps*, for the present year, instead of $2^{\circ} 20' 11'' 15$ dec. applied to the results of the transit observations which have been made, the variance would still be less than the length of the capitol in the city of Washington, viz: 120 yards. Under all the circumstances in which the foregoing result can be viewed, allowing a small error to have been committed in ascertaining the reduction of longitude from a sphere to a spheroid, according to the ratio of 320 to 319, and to the distance of the meridians of Paris and Washington, it is not believed that it differs one quarter of a minute of longitude from the truth."

The report of Mr. Lambert concludes thus:

"It has been considered the duty of the author of the calculations originally made, in justice to the American community, as well as to his own feelings and character, to exhibit to the members of the seventeenth congress a detailed statement of such proceedings as are explanatory of, or connected with the plan proposed for the establishment of a first meridian for the United States at the city of Washington. The legislative and executive authorities of the national government will decide on the utility or inexpediency of erecting an observatory, and furnishing it with suitable instruments and apparatus. Without such an institution, the right ascension, declination, longitude and latitude of the moon, planets, &c. cannot be ascertained with sufficient accuracy; and any attempt to compute a nautical almanac, or astronomical Ephemeris, for ourselves, would be futile, if not preposterous. Until an observatory be erected and furnished, we shall be compelled to rely on the labors of scientific men in Europe for the elements necessary to be used in our astronomical calculations; and it never can be in the power of a few individuals in this country, however laudable and persevering their exertions may be, to remove or lessen that dependence on foreign nations, if they do not meet with adequate encouragement and support."

Military Academy, West Point.

Newburgh, Jan. 29. By one of the standing regulations of this institution, the commandant of the U. S. corps of engineers is constituted, ex-officio, its inspector; and is required, in the discharge of his duties as such, to make a thorough examination into all its details at least once every year. In compliance with this regulation, the present chief engineer, major general Macomb, lately paid a visit of inspection to the academy, and devoted nearly three weeks to the various objects of inquiry and examination. During this time, all the departments of instruction, and the whole system of police and discipline, were brought into view, and it is presumed that a mass of information has been collected in relation to them, which will essentially aid the government in perfecting the organization and code of the institution.

Previously to his departure, the officers and cadets were assembled and addressed as follows:

"As commandant of the corps of engineers, it becomes my duty to make occasional visits of inspection to the military academy; but I am not led by duty more than by inclination, to fulfil this

obligation. Associated with the institution in its infancy, when, under the venerable and excellent colonel Williams, was laid the foundation of its future usefulness, I have never ceased to observe its progress from that incipient state, to its present advancement, with an interest which derived new strength from such pleasing reflections. Indeed, every officer who can claim any relation with it, must have experienced congenial sentiments. Many of its graduates have done credit to themselves and honor to their country. The achievements of the late war have conferred a durable fame on many of their names; and an honorable monument now stands on these plains, which exhibits at once an example for a soldier and the reward of his valor.

"The late marches which have been made by the corps of cadets, through various sections of the country, have left the most flattering and favorable impressions behind. Wherever it has moved, the approbation of the public has followed. And it is certainly not a little praise-worthy to a body of young men, animated by the enthusiasm and sharing in the exuberant feelings of that age, that they should have maintained, amid so many temptations, such a general character for discretion and forbearance. The gentlemanly deportment which has likewise been equally conspicuous, though equally commendable, excites less surprise, and was to be expected from such respectable tuition and examples.

"After a tour of comparative amusement and relaxation, it is gratifying to see you once more engaged in the perhaps less alluring, but more solid and improving pursuit of sedentary study. The advantage which attends the exercise of marches, encampments and evolutions, however great, is of light importance weighed in the balance with the result of your severer and more scientific avocations. The profession to which you are destined, must be a constant lesson on these subjects; and however proper it may be to become proficient in them here, yet their want *might* be supplied by a course of military experience. But unless you are here deeply initiated in those sciences which direct, if they do not constitute the talents of a general, you may in vain endeavor to supply their deficiency hereafter. The active engagements of life are constantly developing and confirming the precepts acquired in studious youth, but their crowded and rapid occurrence affords but little leisure for research into the archives of recorded wisdom. It is here you must become mathematicians, study the theories of engineering, and learn the broad and general principles of war: it is here you must acquire the art of drawing and improve those topographical faculties which give the coup d'œil. The course of your future profession may bring them into practice; and, perhaps, after many years, bestow some of them in a degree when wanting; but, as you would spare yourselves this slow and uncertain process, improve the opportunity that is now before you.

"The military academy has been, and still is, the object of constant attention on the part of government. The secretary of war watches over its prosperity with parental anxiety, and, amid all the conflicts of opinion to which the army, generally, has been subject, this institution has been respected and preserved. The general advantages arising from it may be among the reasons which have confirmed its standing. But I am willing to attribute much to the conduct of its members. The soldierly, correct, and modest deportment which has characterized them in their various exhibitions before

the public, and the higher distinctions many of them have acquired at occasional examinations, which have been made under the supervision of men, eminent in science and public life, by diffusing flattering prepossessions through the community, must have strongly influenced public opinion. That you may continue to sustain the same reputation—a reputation that promises alike skilful officers and useful citizens, is a wish dictated both by my pride in the profession and love of my country."

Foreign Articles.

HAYTI.

Translated for the American Sentinel, from the Port au Prince Telegraph, January 20.

Anniversary of the 19th year of the independence of Hayti.

On the evening preceding, at sun set, a discharge of 17 guns proclaimed this solemn day. A similar discharge was also fired the next morning at sun rise. At eight o'clock, the troops of the garrison, in the finest order, assembled at La Place Petion. At 9 o'clock, the executive body and the judiciary, the Haytien and foreign merchant's also repaired thither. Among these was observed the American commercial agent. At half past 9 o'clock, the senate, with its president, rear admiral Panayoty, proceeded thither, and met the president of Hayti; and his excellency, accompanied with the general officers of the army, placed himself with the senate on the altar of the country. A discharge of seventeen guns announced the arrival of his excellency. Immediately the repeated cries of *vive l'indépendance, vive la liberté, et vive le président d'Hayti!* resounded from every side.—After a moment's pause, his excellency pronounced a discourse with force and vehemence! We regret that we cannot insert it in our sheet, as it was delivered *extempore*. But he reminded the people and the army of the duties which they had to fulfil, in order to preserve the peace, the harmony and the union necessary among members of the same family. He concluded by the customary oath, which he took in these terms:

"We swear to the whole universe and to posterity, to renounce forever all foreign domination, to live free and independent, or die."

After this discourse, the same cries resounded through the air. The president of the senate then addressed the people in the following speech:

Discourse, pronounced on the altar of the country, before the funeral monument of Alexander Petion, by the senator, rear admiral Panayoty, president of the senate.

Haytiens.—Three centuries of disgrace have pressed on our heads; for three centuries, the children of Hayti groaned under the withering rod of the most frightful despotism; but the cry of nature caused itself to be heard, and the solemn day, of which we celebrate the 19th anniversary, that memorable day in our annals, will transmit to our offspring, the epoch when we swore to live free, independent, and to renounce forever all foreign domination; we swore it in the presence of the Supreme Being; we swore it over the mutilated bones of our fathers, of our wives, of our children; we swore it over a heap of ashes mixed with our blood—complaining spirits of our brothers, martyrs of liberty, you have heard this sacred oath; repose in peace in the bosom of your tombs; your blood has flowed for your country; your blood has been avenged.

This oath, which we renew every year, is our rallying word—the palladium of glorious Hayti.—Let the present age—let all future ages pronounce, in the intoxication of gratitude and of admiration, the names of the heroes of liberty, and of the founder of the republic.

I will pass in silence the causes which led to our emancipation; their detail would make us shudder with horror, and would recal painful recollections. The history of our country will speak of them; it will display to posterity truths which our traducers cannot deny, and which philanthropy will bear with sorrow.

From the happy period of our regeneration, there has been seen in us a people capable of all the efforts and all the sacrifices which liberty and independence require. Let those tremble who have endeavored to shake their foundations! Let them fly far from these shores too long imbrued with blood by barbarous hands, let them fly!—Hayti is become the asylum of oppressed virtue.—The sentinel, who incessantly watches for its preservation, will find in our affection his most firm support. Let us watch with him around the altar where shines the sacred fire that inflames us. The slightest neglect of our duties will render us guilty and expose us to the greatest dangers. Let us proceed in harmony, and let our enemies know, that nothing is more formidable than a people oppressed and driven to despair; let them know, that valour, courage and all the other warlike virtues are not only found in camps, but that the peaceable inhabitants of cities, hamlets and the country, when their native land is in danger, will join in a body their brethren in arms, and share their glory in expelling the inhuman aggressors who dared to set a sacrilegious foot on the territory of liberty.

Hayti! O my country! whose proud head is raised above thy glorious ruins, yes, though shalt be rich, thou shalt be powerful, from the harmony and the concord which shall henceforth reign among thy children; no longer will they tear out their bowels with their own hands; their blood is their country's; it is for it that blood should be mingled with the blood of those destroyers of humanity, who, under the pretext of serving it, would force from a distant shore, children from the tender cares of a mother, a father from his children, men from the bosom of their families, to plunge them, in a foreign land, in a hateful slavery. *Tyrants of the new world, tremble at the union which has just been produced among us! No, the blood of the victims of your cupidity shall no longer water this sacred land.* And thou, O sun, thou who during three centuries, hast shone in these countries, upon crimes the most unheard of; thou, powerful auxiliary, thou, the avenger of our climate, will shed a gentle influence on the labors of a free people, who, in the shadow of peace, give themselves up to agriculture, the arts, the sciences and commerce.

But what do I hear, Haytiens? Far from our native land, beyond the seas there are generous minds; I hear the voice of these apostles of our just cause, who, after having carried their vows to the foot of the throne of the Divinity, manifest them on earth, by anathematizing in their writings, those dealers in human flesh, who, covered with the leprosy of prejudice, do not cease to outrage humanity and to degrade it in the eyes of nature. May these apostles of liberty be worthy of the tribute of our gratitude. Let us lend an ear to their lessons; let us be scrupulous observers of our laws, attentive to all our duties; let the experience of

our past misfortunes serve us as a guide. Let us imitate those nations of antiquity, whose memory would be lost in the night of ages, if they had not rendered themselves illustrious by their courage, their misfortunes and their virtues; let fraternity, union and concord, reign strictly among us; these are the rocks on which the efforts and the rage of our old oppressors will be broken.

Around the palm tree where we are this day assembled, we ought each year to recal to our children the outrages committed on their fathers;—around this sacred tree, we ought to say to them: "here sleep the mortal remains of *Alexander Petion*, the founder of the republic; let this name be forever engraven on your hearts; let your children's children repeat it with admiration and tenderness; here, in this very place, where you will assemble every year, and with a holy enthusiasm, you will cause these terrible words to be heard:—We swear to immolate ourselves on the ruins of this funeral monument, rather than ever submit to foreign domination."

Vive la Liberte! vive la republique! vive l'indépendance! vive le president d'Hayti!

Port au Prince, Jan. 19, 1822, 19th anniversary of the independence of Hayti.

At 10 o'clock, the troops defiled, to repair to the cathedral, in order to hear the *Te Deum*, and the president also repaired thither with his whole retinue.

After divine service, his excellency retired to the national palace with the same attendants. A grand entertainment took place in the afternoon, at which the greater part of the civil and military authorities were present. Joy and gaiety prevailed during the repast. The following toasts were given.

1. By his excellency the president of Hayti—The glory and prosperity of the republic.

2. By the same—The memory of the illustrious *Alexander Petion*, the founder of the republic.

3. By the president of the senate—The president of Hayti—may God bless and protect his days.

4. By brigadier general B. Inginac, secretary general—The senate.

5. By brigadier general Thomas—The chamber of commons.

After the repast, the guests repaired to the peristyle of the national palace, and enjoyed a display of very fine fire-works. A ball, at which a great many of the ladies of the city were present, closed this day, the anniversary of which is celebrated every year by the Haytiens with all the delight and satisfaction with which it is calculated to inspire them.

MEXICO.

Among our Mexican Gazettes we found one containing the manifesto, or declaration of independence of the junta, from which we have translated the following. This is not exactly such a document as such an occasion called for; the reasoning is by no means vigorous, nor, if we may be permitted to judge a foreign language, the style eloquent.—The analogies drawn from the young birds that quit the parent nest, and the young beasts which at maturity abandon their dam, appear to us both frivolous and puerile. There are no heart stirring recollections in it, roused by the recital of former wrongs; no impassioned appeals; no solemn pledge; but it is nevertheless, as a manifestation of the intentions of that people decisive of its object. It asserts the future independence of the "Mexican empire," and that having been achieved, as well as as-

serted, at the period when this manifesto was issued, may, perhaps, in fact, account for its apparent tameness. At any rate it is a curious document.

N. Y. American.

Extract from the manifesto of the provisional junta to the people of the Mexican empire.

"After the long night of three ages, in which America has lain plunged in darkness, the aurora of her felicity at last burst forth; that day dawned for which she has sighed and which she desires may be perpetual.—This consummation would never have been obtained, if it had not been founded in justice, nor if justice herself were not to be the base of the government which is to consolidate it. But the junta has the satisfaction to announce that both considerations are combined in the emancipation which we have accomplished.

"Nature has marked out the territories of nations by rivers, mountains and other boundaries, which establish their limits. How many states are divided by the Po and the Rhine, as the Alps and the Pyrenees divides France from Italy and from Spain.—From this last, immense seas and a vast distance divide America; distances which not only make them different as kingdoms, but establish them as belonging to two different worlds. Policy must necessarily conform to the order of nature, and as it would be monstrous to put in the same space the contrary elements of fire and water, it is equally so to unite in one province, people who are distinct and distant; especially if that difference and distance, extend to the extremity of the two worlds, since then it embraces all the contrarieties which climate can originate. The two vast globes, and opposite movements, cannot revolve without embarrassment upon one axis, but each requires its own; in the same manner, two empires of distinct and opposite qualities require two governments, without being susceptible of being united in one, which is never sufficient to govern both well.

"If occasionally, the order of nature is violated, in departing from the boundaries she fixes, it must happen, as with fire inclosed in the mines, that an explosion will finally take place. The two Spains, Old and New, or, which is the same thing, Castile and Mexico, which have hitherto borne those names, belong to distinct regions of the earth, to different portions of the globe, to opposite zones of the sphere; differences which at once evince the justice of their separation. If they have been united, as Esau and Jacob in the womb of Rebecca, and have long remained so; this alone, giving to the latter her growth, has rendered it necessary that they should separate, as these twins did, first in the maternal bosom, and afterwards in their descendants. This idea is further enforced by illustrations drawn from animal nature, wherein the offspring, when capable of providing for itself, leaves its dam, the young bird its nest; and New Spain having arrived at the vigor of manhood, is bound by all analogy, it is said, to separate and shift for itself. This it is which justifies the independence of America. She has burst, says the declaration, her chains, in order to acquire liberty, and to withdraw herself from the yoke which embarrassed her prosperity, by limiting her labor, her industry, her commerce, by the sole interest or pleasure of the mother country."

[It is then generally stated, that until a meeting of the cortes, the laws and constitution of Spain, as far as they are applicable, will be the law of the land; and after a merited compliment to the army, and particularly to its chief, the declaration concludes with a general expression of the desire of

the Mexicans to cultivate amicable relations with all other nations—reserving, however, their choicest favor and highest privileges to the Spanish nation, from which they sprung. This declaration is signed at Mexico, 13th of October, by Antonio, bishop of Puebla, as president, and by two secretaries.]

Seventeenth Congress—first session.

IN THE SENATE.

March 1. After other business—

Mr. King, of New York, submitted the following resolution, which was read the first time.

Resolved, That the president of the senate and the speaker of the house of representatives do adjourn their respective houses on the first Monday of April next.

Mr. Findlay laid the following resolution on the table for consideration:

Resolved, That the committee on commerce and manufactures be instructed to inquire into the expediency of prohibiting the importation of spirits.

Mr. F. followed his motion with a speech of some length to shew, that a prohibition of the importation of foreign spirits would operate very beneficially on the interests of the whole republic, particularly on those of the grain states: that it would be attended with much of the good and none of the evil of a sumptuary law, so far as regards the use of ardent spirits, &c. The resolution lies on the table one day.

The engrossed bill about the continuation of the Cumberland Road was read the third time and passed.

The senate then resumed, in committee of the whole, Mr. Elliott in the chair, the consideration of the resolution relative to an appropriation of public land to the old states, for education.

Mr. Lloyd resumed the speech which he commenced yesterday in support of the resolution, and occupied the floor about an hour.

Mr. Edwards, of Illinois, next rose, and spoke nearly two hours against the resolution; when, after remarking that he must conclude at some other time, if at all, what he had further to say on the subject, he sat down.

The senate then adjourned to Monday.

March 4. Mr. King's resolution, proposing an adjournment of congress on the first day of April, was, after debate, agreed to.

The remainder of this day was chiefly spent on the bill to establish a government for the territory of Florida. In the course of which Mr. Walker offered an amendment to annex that part of the territory known as West Florida to the state of Alabama—which was ordered to be printed.

March 5. The senate was occupied this day on the bill to establish a government in the territory of Florida—chiefly on the amendment proposed by Mr. Walker, as follows:

"That, in case the general assembly of the state of Alabama shall consent thereto, all that tract of country comprehended within the following bounds, to wit: Beginning at the mouth of the Perdido river; thence, up the same, to the thirty-first degree of north latitude; thence, along the said degree of latitude, to the middle of the Chatahouchee river; thence, along the middle of the said river Chatahouchee or Apalachicola, to the Gulf of Mexico; thence, westwardly, including all adjacent islands dependent on the late province of West Florida, to the place of beginning, shall become and form a part of the state of Alabama, and be subject to the constitution and laws thereof, in the same manner, and for all intents and purposes, as if it had been included in the original boundaries of the said state;" and another section providing for the representation of the same in the legislature of Alabama, &c.

On this proposition a debate followed, which continued till past 4 o'clock. The amendment was advocated by Messrs. Walker, King, of Alabama, Smith, King, of New York, Mills, and Morrill; and it was opposed by Messrs. Barbour, Holmes, of

Maine, Otis, Van Buren, Williams, of Tenn. Van Dyke, Benton, and Chandler. It was opposed, not on the ground of its inexpediency in principle, but, generally, that the annexation would, for various reasons, be premature at this time. The question being taken on the amendment, it was decided, by yeas and nays, in the negative, as follows:

YEAS—Messrs. Boardman, Brown, of Ohio, D'Wolf, Dickerson, Findlay, King, Alab. King, N. Y. Knight, Lanman, Lowrie, Mills, Morrill, Palmer, Ruggles, Seymour, Smith, Thomas, Walker, Williams, of Miss.—19.

NAYS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Chandler, Eaton, Elliott, Gaillard, Holmes, of Maine, Holmes, of Miss. Johnson, Ken. Johnson, Lou. Lloyd, Macon, Noble, Parrott, Pleasant, Southard, Stokes, Talbot, Taylor, Van Buren, Van Dyke, Ware, Williams, of Tenn.—25.

And then the senate adjourned.

March 6. After other business, the senate resumed the consideration of the bill to establish a government for the territory of Florida.

The committee of the whole, yesterday, on motion of Mr. King, of Alabama, struck out of the bill the following clause of the 11th section:

"No slave or slaves shall, directly or indirectly, be introduced into the said territory, except by a citizen of the United States, removing into the said territory for actual settlement, and being, at the time of such removal, bona fide owner of such slave or slaves; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall, thereupon, be entitled to, and receive, his or her freedom."

After some debate—The question on agreeing with the committee of the whole in striking out the clause, was decided, by yeas and nays, in the affirmative, as follows:

YEAS—Messrs. Barbour, Benton, Brown, of Louisiana, D'Wolf, Eaton, Elliott, Gaillard, Holmes, of Miss. Johnson of Ky. Johnson, of Lou. King, of Alab. Lloyd, Macon, Noble, Pleasant, Smith, Southard, Stokes, Van Dyke, Walker, Ware, Williams, of Miss. Williams, of Tenn.—23.

NAYS—Messrs. Barton, Boardman, Brown, of Ohio, Chandler, Dickerson, Findlay, Holmes, of Maine, King, of N. Y. Knight, Lanman, Lowrie, Mills, Morrill, Otis, Palmer, Parrott, Ruggles, Seymour, Thomas, Van Buren.—20.

Some amendments being made, the bill was ordered to be engrossed for a third reading.

And, some time being spent in executive business, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, March 1. Mr. Baldwin, from the select committee, to whom was referred the petition of sundry inhabitants of West Florida, praying to be annexed to the state of Alabama, asked to be discharged from the further consideration of that subject, and that the same be referred to a committee of the whole, to which is referred the Florida government bill; which was agreed to.

Mr. Cannon laid on the table the following joint resolution:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, That the president of the senate and speaker of the house of representatives be authorized to close the present session by adjournment, on the thirtieth day of March instant.

Mr. Tracy submitted the following resolution:

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of modifying the act, entitled "An act for the gradual increase of the navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built.

On motion of Mr. McLane, the resolution was laid on the table with the assent of the mover.

The house took up the apportionment bill—the senate's amendment to which makes an exception in favor of Alabama; the returns not being complete. Much debate took place—the right of the matter was admitted, but the constitutionality of the proceeding was doubted, and the precedent could not be approved of. At last, after about twenty speeches had been delivered, the house refused to agree (93 to 47) to the report of the judiciary com-

mittee, which advised a *disagreement* to the amendment of the senate. And then the house adjourned.

Saturday, March 2. Mr. *McLane*, from the committee on naval affairs, to whom was referred the resolution of 3d January and 5th and 6th of February last, made a report upon the suppression of piracy in the West India seas,—of which the following is an *abstract*:

The report states, that the system of plunder in the W. India seas is truly alarming, and imperiously calls for the prompt interposition of government; that every mail brings such accounts of massacre and plunder, by the vicious and depraved of all nations; that, if not warded at by the authorities of Cuba, they are not restrained; that the danger of smuggling is thereby considerably increased on our coast; an ample force is, therefore, recommended to suppress it; that the force actually employed by our government is, the Franklin, of 74 guns, in the Pacific, for the protection of our commerce in that quarter; that the Constellation frigate, of 36 guns, is in the same ocean, but ordered to return home upon the arrival of the Franklin; that the schooner Dolphin, of 12 guns, accompanies the Franklin, as absolutely necessary upon so long a voyage.

In relation to the instructions for this service, the committee think it would be *inconsistent* with public law and general usage to give any authority to destroy pirates and piratical vessels found at sea, or in uninhabited places.

The committee are of opinion that it would be dangerous and productive of great evil, to vest in the commanders of our public vessels an authority to treat as pirates, and punish without trial, even such persons as those above described. It is not necessary for the accomplishment of the object in view that such an authority should be given, and it is essentially due to the rights of all, and the principles of "public law, and the general usages," that the consequences and punishment of piracy should follow only a legal adjudication of the fact.

That the frigate Constitution, of 44 guns, sloop of war Ontario, of 18 guns, and schooner Nonsuch, of 10 guns, are cruising in the Mediterranean, to keep the Barbary powers in awe and protect our commerce in that sea; and it is believed that a less force would be inadequate for these objects.

That the sloop of war Hornet, of 18 guns, the brigs Enterprise and Spark, of 12 guns each, and the schooners Porpoise, Grampus, Shark and Alligator, of 13 guns each, are cruising in the West India seas and Gulf of Mexico, for the protection of trade, the suppression of piracy, &c.; and that the gun boats No. 158 and 168, are cruising along the coasts of Georgia and Florida, for the same purposes.

That the frigate Macedonian is now equipping at Boston, and will soon sail on a cruise for the same object; and that it will be necessary to keep at least one vessel of war, either a corvette or schooner, on the coast of Africa, as the most efficient means for the suppression of the slave trade.

The committee are of opinion that no part of the foregoing enumerated force could be withdrawn from the service in which it is employed, without detriment to the public interest, and that the force in the West India seas and Gulf of Mexico are *inadequate* for the objects specified in the resolution referred to.

That the rest of the force belonging to the navy, consisting of the Java, of 44 guns, and now unworthy of repairs; the Erie, of 18 guns; the Peacock, of 18 guns; Congress, of 36 guns; Guerriere, of 44 guns; John Adams, of 24 guns; United States,

of 44 guns, and Cyanne, of 24 guns, are in ordinary at the different navy yards at Boston, New-York, Washington and Norfolk.

That the committee are of opinion, to afford effectual protection to the commerce in the West Indies and Gulf of Mexico, the corvettes Cyanne and John Adams, and sloops of war Peacock and Erie, should be fitted out as soon as possible; that the Erie can be fitted out in five months, the Peacock in two months, the John Adams in six weeks, and the Cyanne in five weeks; and that the Constellation frigate, should it be thought necessary, may be directed, on her return from the Pacific, to cruise in the West India seas, though it is believed it would be more expensive than to build additional sloops of war for that purpose, which are, for many reasons, superior to frigates or smaller vessels for such service.

The four first named vessels are now undergoing repairs, and the amount necessary for this purpose is already embraced in the estimate for the present year; so that, should they now be directed to be put in service it will be necessary to increase the estimates for the present year, not more than one hundred and twenty thousand dollars, and the committee are authorized to state that this appropriation will not materially vary the state of the treasury, as disclosed by the secretary's report, because since the date of that report, there has been transferred to the surplus fund an amount of unexpended balances of appropriation for the naval service sufficient to meet the increased expenditure. But the committee cannot suppose that where the safety of commerce and citizens of the United States, call imperiously for the exertion of the national force, so small an expenditure can be a matter of any moment. If the protection be *necessary*, it must be yielded; and the only consideration connected with the cost should be, that the money necessary to make it effectual, should not be wastefully expended.

On the whole, the committee are of opinion that the employment of a sufficient number of vessels in the West India seas and Gulf of Mexico, authorized to make captures under the existing laws, &c. if the officers are properly industrious and enterprising, would afford all the protection required, and the committee therefore recommend the adoption of the following resolution:

Resolved, That it is expedient forthwith to fit out and put in service the corvettes Cyanne, John Adams, and the sloops of war Peacock and Erie, for the protection of commerce and the suppression of piracy in the West India seas and Gulf of Mexico; and also to employ the frigate Constitution, should the president of the United States deem the employment of a frigate necessary, for the purposes aforesaid.

This report was ordered to be printed.

The resolution submitted yesterday by Mr. J. Speed Smith, on the subject of commuting the pay, &c. of the cadets at West Point was taken up; when

Mr. Cannon offered, as an addition or modification thereof, the following: "And also the number of Cadets in his opinion necessary to be educated for the army."

The modification was accepted by the mover.

Mr. Smith, of Md. objected to that part of the resolution which requested the *opinion* of the secretary of war. Such resolutions, he contended, should be confined to calls for reports of *facts*.

A considerable conversation or debate ensued— at length, Mr. J. S. Smith moved that the resolution

should lie on the table, that it might be called up on Monday, which was agreed to.

Mr. *Randolph*, agreeably to notice heretofore given, introduced a joint resolution for the double purpose of raising a committee to select and arrange such business as might be deemed indispensably necessary to be acted on at this session—and also to fix an early day for adjournment.

On this motion there was much speaking—some were not willing to leave a selection and arrangement of the business to a committee, and others approved of the plan. Mr. *Randolph* thought it was time that congress had adjourned; if the sessions were so protracted, as persons could not afford to remain in Washington for the pay they received, he feared that congress might be made up of the offal of all the professions—not excepting the clerical. That no great measure had been brought forward except the bankrupt bill, and that had been previously cut and dried. He thought he should take the liberty of saying *No* to every proposition that should be presented to the house, before he went away—not excepting the civil list—for he was not prepared to vote away any more of the money of the people, until that which had been previously voted was fully accounted for, &c. &c. Mr. *Baldwin* expressed his regret that the proposition had been brought forward at the present period of the business of the house. Very little had been done. If there had been an unnecessary waste of time the way to redeem it was—not to go away and leave the business unfinished, but not to make such waste of more. There was much important business that required attention—many petitions remained to be acted upon. There was much business before the house. The nation was extending in its population, in its territory, and in its interest, and in all its relations. He would ask, then, whether the members of the house could feel that they had done their duty, in going off before the public business was accomplished? He believed that the apology of personal inconvenience would not be accepted. Mr. B. was not disposed to abridge the freedom of debate. He believed it was suited to the genius of the government—but it was generally found that there was too much of it at the commencement of a session, and too little at the close. With him there was but one rule, and that was to do the public business—and then adjourn.

The motion was laid on the table, by a small majority.

A motion was then made that the house do now proceed to the orders of the day, (which question supercedes all new business)—and it was determined in the affirmative. So the house passed on to the orders of the day.

A bill entitled an act supplemental to an act, entitled "an act to authorize the appointment of commissioners to lay out the road therein mentioned, (the Cumberland road,) was read a first and second time, and referred to a committee on roads and canals.

A bill from the senate, entitled "an act to provide for the due execution of the laws of the United States within the state of Missouri, and for the establishment of a district court therein, was referred to the committee on the judiciary.

The next subject in the orders of the day, was the report of the committee on military affairs on the petitions of the Spanish officers confined in Pensacola, which report recommended that the military committee be discharged from the further consideration thereof. The motion depending when this subject was last under consideration, was, to

lay it on the table—which would be in effect to put aside the subject. And,

The question was taken on laying the same on the table, and decided in the affirmative, without a division.

The next business in order was, the consideration of the report of the committee of the whole on the bill making certain appropriations for the support of the military establishment.

The question which was under consideration, when this subject was last up, (on Friday week), was on agreeing to the appropriation for the military academy.

To this appropriation, to the amount proposed, objection was made by Mr. *Cocke*; whose object was to appropriate enough for the immediate support of the institution only, wishing to have a full view of the expenses, &c. of this institution, that the people might see how much the United States paid for the support of the sons of the richest men in the country.

On this subject a debate took place and a motion to recommit the bill was made—but lost. So the house proceeded with the bill, and without making any material alterations in it, as reported by the committee of the whole, went through it, and ordered it to be engrossed for a third reading on Monday.

Monday, March 4. Several reports were received from different committees, and variously disposed of.

Mr. *Williams*, of N. C. laid on the table the following resolution:

Resolved, That the president be requested to inform this house whether that portion of the army of the United States, now in Florida, is commanded by the officers of the said army, or by the secretary of the territory, and, if by the latter, by what authority he is invested with such command.

Mr. *Tracy* called for the consideration of a resolution by him submitted on a former day, proposing instructions to the naval committee to inquire into the expediency of recommending a modification of the annual appropriation for the gradual increase of the navy, so as to authorize the construction of vessels of a smaller size than those now authorized by law. The house agreed to consider the resolution.

A long debate followed, in which the policy of the course pursued in regard to the navy was much spoken of. Some thought that the building of heavy ships should be continued, and some thought it best to suspend the building of such vessels. Others believed that as the naval committee had the subject under consideration, the house should not act upon the resolution just now—and others were of a different opinion. Some were for reducing the expenditures on naval affairs, and some were not: but all that was said or could be said on the subject must be familiar to every one, and we shall not attempt to make even a brief abstract of the debate. At last, the resolution was agreed to.

Mr. *Wright* submitted for consideration the following resolution:

Resolved, That the committee on the post office and post roads inquire into the expediency of preventing the carriage of the mails on the Sabbath day, and that they report by bill or otherwise.

Mr. *Wright* made a speech of some length in favor of his resolution—but the house, at once, refused to consider it.

The orders of the day being then called for, the bill making an appropriation for the support of the military establishment for the year 1822, was read a third time; when

After some attempts to amend, or re-commit the

bill—it was passed and sent to the senate for concurrence—ayes 133, noes 23.

The bankrupt bill was then called up—but a motion to adjourn being negatived, and afterwards renewed, was carried, and the house adjourned.

Tuesday, March 5. Many reports were received from different committees, not of general interest.

Mr. Mercer submitted the following resolution:

Resolved, That the committee on public buildings be instructed to inquire whether such an alteration can be effected of the hall now occupied by the house, as will fit it for the purpose of a deliberative assembly; and, if this be deemed impracticable, whether a suitable apartment can be provided in the centre building of the capitol, for the accommodation of the house of representatives.

Mr. Wood proposed to amend the resolution by inserting, after the word "*Resolved*," the following:

"That the committee on public buildings be instructed to inquire into the expediency of changing the position of the speaker's chair, and of placing it in front of the present entrance into the hall; and, also, of arranging the seats of the members parallel with the diameter of the hall, so as to front the chair in its new position."

After some debate, the motion of Mr. Mercer was agreed to, without the amendment proposed by Mr. Wood.

On motion of Mr. Stewart, it was

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of appointing commissioners to examine and report as to the practicability and probable expense of connecting, by a canal, the Potomac and Youghaugauy rivers; uniting the eastern with the western waters.

Mr. Archer, of Virginia, submitted the following resolutions:

Resolved, That the appointment, during the past year, of a governor of the provinces of East and West Florida, invested with larger powers than were exercised by the officers of the existing government of the said provinces, at the time of their delivery to the United States, was not authorized by the act of the last session of congress, entitled "an act for carrying into execution the treaty between the United States and Spain, concluded at Washington, on the 22d day of February, 1819."

Resolved, That the appointment of a governor of the provinces of East and West Florida, with authority to exercise supreme judicial, in conjunction with supreme executive powers within the same, was a contravention of the constitution of the United States.

Resolved, That the arrest and imprisonment, in the month of August last, in Pensacola, in the province of W. Florida, by order of the chief executive officer therein, of Don Jose Callava, then or recently charged with the functions and character of a commissioner of the government of Spain, were in contravention of the immunities attached to the condition of agents of a public character, by the law and usage of civilized nations.

Resolved, That the issuing, about the same time, by the same officer, of a citation, in the nature of process of contempt, against a person holding the commission of a judge of the United States within the said province, for an alleged undue discharge of a judicial function, was a proceeding not warranted by any legal authority vested in the said officer.

Mr. Archer was proceeding to state the motives which induced him to offer the resolves; when

The question to consider the resolves (which admits of no debate) was put, and decided in the negative. So the house refused "now to consider" these resolutions.

A joint resolution from the senate for fixing the time of adjournment of the present session of congress, (1st Monday in April) was received and read a first time; and, on motion of Mr. Hill, was laid on the table.

The house resolved itself into a committee of the whole on the bankrupt bill. Mr. Lowndes concluded his argument—Mr. Baldwin opposed the striking out of the first section, and Mr. Tucker advocated it. Mr. Hill commenced a speech, but at half past 3 o'clock the committee rose; &c.

The speaker presented a communication from the president of the United States, on the subject of woollens purchased for the army of the United States, which, on motion, was laid on the table.

The speaker also presented a communication from the president of the United States on the subject of navy yards, naval stations, &c. which, on motion of Mr. Hill, was referred to the committee on naval affairs.

The speaker also presented a communication from the department of war, exhibiting a comparative view of the expenditures of the war establishment, and the military academy, for several years past, which, on motion of Mr. Baldwin, was referred to a committee of the whole house on the state of the union.

The house adjourned.

Wednesday, March 6. The following gentlemen were announced as being added to the committee on the public buildings, for the purpose of examining into the practicability of improving the representatives' chamber, viz: Messrs. Whipple, Eddy, Barber, of Con. Mattocks, McLane, Wright, Gist, Gilmer, Johnson, of Lou. Rankin, Moore, of Ala. Rhea, Matcalf, Chambers, Cook, Mendricks, and Scott.

Mr. Cannon laid on the table the following resolution:

Resolved, That the secretary of war be directed to report to this house the names and grade of the officers now in the army of the United States who hold brevet commissions; distinguishing those brevetted for gallant conduct in battle from those brevetted for other causes, and stating the cause in each case.

On motion of Mr. Sterling, of N. Y. it was

Resolved, That the committee on the public lands be instructed to inquire into the expediency of making immediate provisions for the survey of the public lands in the territories of East and West Florida, and for the sale of such portion of the same as may be consistent with good policy.

The speaker laid before the house a letter addressed to him by Edwin Lewis, of Alabama, complaining of alleged official misconduct on the part of Charles Tait, district judge of the United States for the district of Alabama. The letter was read, and after some opposition, referred to the judiciary committee.

The bankrupt bill was then discussed in a committee of the whole—Mr. Wright spoke two hours in opposition to the motion to strike out the first section: Mr. Cushman continued the debate till 4 o'clock—on motion of Mr. Dwight, the committee rose and reported, and on the question of granting leave to sit again—

Mr. Taylor, of New-York, remarked, that he had thought the time had nearly arrived in which it was proper for the house to expect the report of the committee of the whole on this bill. The subject had been a long time debated; and, although he had listened with patience and pleasure to the able arguments that had been made on the question, yet he would suggest to the friends of the bill whether there was not danger, by protracting a decision on it, that they might experience a fate like that of the general who wasted in deliberations in the camp that time he should have employed in gathering laurels on the field. Mr. T. had intended to express his sentiments on the subject; but, from the course it had taken, his purpose had been changed, and he could not but hope that, when the house went next into committee, they would not rise again until the preliminary question now under discussion should be determined. He made these observations, therefore, with the hope that there would be to-morrow a full house, prepared to decide on the question.

Mr. Sergeant concurred in many of the sentiments advanced by the gentleman from N. York, (Mr. Taylor) but he thought this was a subject, in regard to which, from its nature, the house must regulate how far and to what length the debate should be extended. He could not forbear however, to notice that the subject of this bill, though several years on the tapis, had never received a full and fair discussion or decision, and that it had not really occupied at this session as much of the time of the house as would appear, inasmuch as it

had been often put aside to give way to other business that seemed to press upon the house. He would further observe, that the advocates of the motion, who were opposed to the bill, were principally first heard, and perhaps it would be but justice that its friends should be heard in reply. Although he accorded with the general sentiment advanced by his friend from N. York, yet he hoped the house would not fix with precision the day or the hour on which the debate should close.

After a few further remarks by Messrs. *Taylor* and *Sergeant*, the committee obtained leave to sit again, and

The house adjourned.

THURSDAY'S PROCEEDINGS--MARCH 7.

In the senate--a petition was presented from John Cleves Semmes, stating his belief of an inhabited concave to this globe, and asking the fitting out of an expedition to make discoveries! A motion was made to refer it to the committee on foreign relations--but it was laid on the table.

The chief part of this day was spent in the consideration of executive business.

House of representatives. Mr. *Sergeant* made a report on the subject whether the bank of the U. States had not taken, &c. more than six per cent. interest. We cannot give the report at this late hour; but it justifies the bank in its manner of doing business. Mr. S. proposed that the report should be laid on the table, and printed. Mr. *Colden* objected to it--he wished to act upon the subject immediately. It was laid on the table, to be called up at any time, as suggested by Mr. C.

Mr. *Cannon's* resolution about brevet officers was agreed to. The house refused to take up the resolution from the senate fixing a period for the adjournment of congress. Mr. *Cocke's* resolution about certain allowances to the attorney general was agreed to be considered, and, after debate, was agreed to.

The house resolved itself into a committee of the whole on the bankrupt bill--Messrs. *Dwight*, *Burrows*, of Con. and Mr. *Sergeant*, severally spoke against striking out the first section, and the committee rose, and had leave to sit again.

The "National Intelligencer" of the 8th (yesterday) observes--A bill is now before the house of representatives, having been reported on Monday last by the committee of ways and means, the title of which is, "a bill to revive and amend the several acts imposing duties on imports and tonnage." This bill proposes certain alterations of the present tariff of duties on imports; and, we incline to think, has a chance of being discussed; and, if discussed, of being passed, at the present session of congress.

As the subject is of much importance, we shall publish the bill at large in our next paper. The principal object of the bill is to increase the duties on silks, iron, hardware, and a variety of specified articles, and to change certain duties, which are now *ad valorem*, to specific duties.

CHRONICLE.

Naval. We have noticed the recent departure of the *Alligator*, from Charleston, to cruise on the coast of Cuba. The U. S. schooners *Porpoise* and *Revenge* sailed on the 23rd ult. with the same purpose--pirate-hunting.

The U. S. ship *Franklin* and the schooner *Dolphin*, arrived at Rio Janeiro in November last, all well.

The U. S. brig *Spark*, lieut. com. Elton, has arrived at Charleston, from a cruise along the main of South America, and in the West Indies. She has on board seven pirates, which she took out of a Dutch vessel recaptured by her and given up to her former master and crew.

Letters have been received from an officer on board the U. S. brig *Enterprize*. An attempt had been made to catch some pirates at Cape Antonio, but they escaped--a schooner and a boat, however, were captured and their settlement set on fire. The papers of several vessels were found at the settlement. The *Enterprize* had visited Port au Prince--an officer went ashore to arrange a salute. He speaks of the commandant as a man of business and a gentleman--polite, but neither foppish nor stiff. They entered into general discussions, which were "handled with ease by the sable statesman."

Com. *Macdonough*. The sword voted to this distinguished officer by the crew of the *Guerriere*, while in the Mediterranean, has lately been received by him. It is of the purest polished steel, richly ornamented. On the scabbard is this inscription--"The crew of the U. S. ship *Guerriere* to captain Thomas Macdonough." On one side of the blade, "No impressment;" on the other, "Maintain your rights."

Died, on the 22nd ult. at Hagerstown, Md. Mrs. Catherine Carla, aged one hundred and nine years, eight months and twenty-eight days.

A Steam engine, of one hundred and forty horse power, is at work in a coal mine, in Nottingham county, England, the property of the duke of Portland. The cylinder is 78 inches in diameter, the beam weighs 12 tons; and at every stroke raises 15 tons of water.

Baltimore Alms House. In the house, Nov. 1, 1820, 104 men, 139 women, 76 children, total 319; received during the year 831 persons--discharged, eloped or died 764--remaining, 31st Oct. 1821, 386.

Humane and criminal institutions in the city of New York--Annual census, Jan. 1, 1822. In the Orphan Institution 84 boys, 52 girls, 136; increase since last year 13. In the City Alms House 1,604, of whom 93 are blacks, and 30 maniacs; decrease 174. In the City Hospital 133 patients, 82 lunatics--215; decrease 10. In the Debtor's prison 216; decrease 301! In Bridewell 141, of whom 57 are black; increase 35. In the Penitentiary 344 decrease 2. In the State Prison 553, of whom 228 are black; decrease 27. Total last year 3379; in the present 3209--decrease 170.

Rhode Island. It is proposed in Rhode Island to reduce the number of judges in that state from 30 to 6.

Florida. While some persons represent this country as consisting almost exclusively of swamps and sand hills, barren and unproductive, others make it a very paradise. A late letter writer, "who has surveyed all Florida," says, there are twenty millions of the best sugar and cotton lands in the world--that all the fruits of St. Domingo are found there, growing wild; that live oak is abundant and of enormous size; that the olive tree flourishes as well as in France, &c.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

A very important message from the president of the United States, in relation to the late Spanish provinces in America, is published in the congressional proceedings of the 8th inst. It goes to recommend an acknowledgment, though in some degree qualified, of the independence of the governments of Mexico, Colombia, the provinces of Rio de la Plata, Chili and Peru. We have noticed the remarks of the members to shew the *feelings* of the house of representatives on the occasion; and really hope that the recommendation of the president will be supported: and that, by a *first* acknowledgment of the independence of the new states, we may regain the ground that we have lost, by a rather *too* neutral conduct. Like the Indian's tree, we were *so straight* that we "*leaned the other way*"—but not designedly. It grew out of the nature of things.

It is reported, that the ministers of the parties to the "*Holy Alliance*" at Washington, are quite wroth at the proceeding. That the Spanish minister would not be altogether pleased with it, was to be expected—hopeless as is his master's cause in the late provinces of Spain: but we should like to know what *business* the rest of them have with the transaction. Rumor says that the representatives of Russia, Great Britain, Spain and Portugal, have all sent in, or prepared, remonstrances on the occasion. It is also said that the Russian minister's is very rude—what would his master think if the president of the United States, through the secretary of state, should tell *him* that he should not attack the "*legitimate*" Turk? Would not Alexander think it very *impudent*?—But we give these things only as the rumors of the day: if true, we shall hear more of them.

OFFICIAL PAPERS. The present sheet is rich in interesting documents. Besides the important message of the president, there is a report about the *army expenditures*, on the affairs of the *post office*, respecting the *military academy*, and relating to the *pension laws*. Also a copy of an important bill reported by the committee of ways and means about *duties on imports*. All which will claim attention.

GENERAL POST OFFICE. It appears that the expenditures, for the year 1821, amounted to the great sum of \$136,379 more than the receipts. The P. M. G. suggests some of the causes of this great deficiency and proposes certain means to reduce the expenditure and augment the receipts: but the idea of preventing passengers in public stages and steam boats from carrying letters, never can be submitted to by the people of the United States, until a king, in name, as well as fact, shall reign over them.

If we were to speak of the proposition relative to news-papers, it might be thought to "*smell of the shop*"—but it is a little singular that at the moment when what must act as an obstruction to the circulation of intelligence is contemplated in the U. States, the republic of Colombia should have passed a law providing for the gratuitous transport of those "*useful vehicles of information*."

The deficiencies of the two last years have been supplied by collections of *outstanding balances*, and yet on the 1st of January last, they still amounted

to more than half a million of dollars! We should like to see a list of the names, and hear that every deputy had been dismissed who had suffered himself to be in arrears, or refused or neglected to render his accounts. Punctuality and promptitude are essential to the welfare of the public, and the means to enforce them are so completely in the power of the heads of departments, that we feel little disposed to excuse a want of them in persons retained in office. The people's money will never be well taken care of, until it shall be understood as a rule without exception, that every officer who fails to settle up and pay off his account at certain regular periods, will be dismissed. The *nursing* of such is culpable, and tempts men to become defaulters.

MILITARY ACADEMY. The report about this establishment is quite a curiosity and needs no comment. We wish the institution well, so far as it accomplishes the national purposes—but the good is so little compared with the cost of it, that it would seem as if it was chiefly kept up to educate and fit for *private* life, the sons of the most wealthy or most influential persons in the United States.

THE TARIFF. The committee of ways and means have reported a bill which contemplates certain alterations of the tariff, with a sole regard, as we apprehend its items, to an increase of the revenue; though in some instances, it is probable, that the bill, if passed, will really lessen the present rate of receipt. It is pretty clear to us, that nothing will be done for the encouragement or protection of national industry, unless the force of the house of representatives is concentrated. There is power enough to pass all necessary laws on this subject, but it is diverted and so rendered inefficient, notwithstanding the zeal and watchfulness of some.

THE BANKRUPT BILL. A committee of the whole, it will appear, has refused to strike out the first section of this bill—but there were only 139 members present. Our information goes to shew that this bill will not pass, at least at the present session: for, though a majority may agree on the general question in favor of the bill, the details are of a most difficult and perplexing character to adjust to the different interests and feelings of the members.

☞ *The finale*. According to our anticipations, the bankrupt bill has been rejected in the house of representatives—for it 72, against it 99; majority 27. See the *yeas and nays* in the *proceedings of Tuesday*. The editors of the "*National Intelligencer*" on announcing the fact, say—"we feel so sincerely for those who have rested their hope on this broken reed, that we have no spirits at present to add any remarks upon the subject."

We also regret that something was not done to relieve us of our *insolvent laws*—but, knowing the phalanx opposed to a bankrupt bill on any terms, and the variety of opinion that existed as its details, we had no expectation of its passage.

SPANISH CLAIMS.—The board of commissioners for deciding on claims under the treaty with Spain, adjourned on Monday to meet on the 11th of JUNE

next—having completed all the business which was in a state of preparation for it to act upon. Ninety days further time is therefore allowed to claimants to prepare and forward the evidence on which their claims rest.

The National Intelligencer states, that the admitted claims under the treaty are expected far to exceed the amount of five millions of dollars which the treaty stipulates for.

REVENUE. The following shows the gross and net amount of revenue received at the ports named, in 1821, and the cost of collecting the same.

	Gross revenue.	Net revenue, drawbacks, &c. deducted.	Expenses on collections.
New York,	\$5,546,232	4,718,020	132,753
Boston,	3,418,506	2,187,659	90,016
Philadelphia,	2,717,890	2,089,649	66,822
Baltimore,	1,069,108	536,304	52,235
Charleston,	625,235	549,866	47,404
Savannah,	324,112	289,128	28,579
New Orleans,	518,813	381,742	56,966

The cost of collecting the net revenue then is—
At New York and Philadelphia—*three per cent.*

Boston—*four per cent.*

Charleston—*eight per cent.*

Baltimore and Savannah—*ten per cent.*

New Orleans—*fourteen and an half per cent.*

ORDNANCE AND ORDNANCE STORES. A report of col. Bomford, of the ordnance department, dated the 29th Jan. ult. shews the quantity of cannon, &c. belonging to the United States in different fortifications, &c. The aggregates of the chief things mentioned is all that we think necessary to notice.

The battering cannon, &c. in the fortifications are 42 pounders, 28; 32 pr. 226; 24 pr. 413; 18 pr. 228, mortars 40; howitzers 56—with shot, shells, &c. &c.

In the arsenals, &c. there are, of battering cannon—32pr. 6; 24pr. 267; 18pr. 304; mortars 89; howitzers, chiefly 24 pr. 271—with quantities of shot, shells, &c.

The cannon required for the new fortifications lately finished or now building, amount in all to 1,279 24pr.; 200 10-inch sea-coast mortars; 28 8-inch howitzers: of all which the greater part are to be provided, and estimated to cost the sum of \$957,183, when complete with their carriages, &c.

The new works are to be supplied with ordnance as follows: Fort Diamond, New-York, 87 24pr.; Delaware, on the "Pea Patch," in the river of that name, 234 do. 10 mortars, 28 howitzers. Washington, on the Potomac, 90 24pr.; Munroe, Chesapeake bay, 320 24pr. 60 mortars. Calhoun, in the same, 216 24pr.; Mobile Point 108 24pr. and 10 mortars. Dauphin Island, the same. Rigolets and Chef Monteur, each. 58 24pr. and 6 mortars.

WESTERN BANKS. We have a closely printed pamphlet of 186 pages, 8vo. containing the correspondence of the secretary of the treasury with the officers of the banks of Steubenville, Chillicothe, Farmers' and Mechanics' bank of Cincinnati, Franklin bank of Columbus, Farmers' and Mechanics' bank of Indiana, banks of Edwardsville, Illinois, Vincennes, Missouri, Mississippi, Tombeckby, the branch bank of Kentucky at Louisville, and the Planters' and Merchants' bank at Huntsville. It shews the laborious duties of the head of the de-

partment, but we think that the printing of the papers might as well have been dispensed with; for we doubt whether any one person will read them. If the present congress is not well instructed about the affairs of the nation, it will not be for the want of calls for information.

THE NEW APPORTIONMENT, under the late census, if the law for it had been passed by congress early in the session, as it might as well have been, would have saved to the different states, which will be compelled to have extra sessions of their legislatures, not less, if not much more than 50,000 dollars, besides the inconvenience that the members thereof will be subjected to. This is among the many things that should not be forgotten on a law for taking the *fifth* census shall be on its passage. He that will not profit by experience, must be unwise, indeed.

DOLLARS are now sold at $2\frac{1}{2}$ per cent. premium; and we are plagued with odd money—five franc pieces, French crowns and "eighteen penny bits," instead of the currency to which the prices of commodities are generally adapted, and there is no little perplexity about it. It is not long since that dollars were in demand, more than bank notes—but now they seem to have nearly disappeared from the common circulation—because, "the balance of trade is in our favor!" and rags "filthy dowlars," will soon be in request again; for there is a real scarcity of change, or of any thing that passes for money, under bank notes for five dollars.

TROUBLES IN CANADA. The earl of Dalhousie, governor of Lower Canada, has suddenly prorogued the parliament, "on a full consideration of the situation of affairs, and of the peculiar circumstances which have led to it, being satisfied that no benefit to the public could be expected from a continuance of the session." The assembly had previously differed with the legislative council, and refused to vote the annual supplies, by a vote of 21 to 5. Thus political symptoms, perhaps revolutionary, continue to shew themselves in Lower Canada. There is a dispute between Lower and Upper Canada respecting revenue.

COMMON SCHOOLS—in New York. The extension through the state, of elementary education, is shewn from the increase of scholars—in 1816 they amounted only to 140,106; and the number has gradually risen to its present amount, which is 332,979. What is the sum of the benefit conferred by such such liberal and enlightened measures? By what means shall we estimate it?

THE PIRATES OF CUBA. Capt. Jones, of the brig Diligence, from Matanzas, arrived at Boston, on the 7th inst. states that on the 14th of Feb. the governor of Matanzas sent out two detachments of soldiers, one towards Point Escondido, and the other towards Ycaos, to search for pirates. On the 15th, the soldiers sent to Escondido returned with four pirates, having killed and wounded seven, and captured one of their boats, with two swivels mounted, besides muskets, pistols, cutlasses and knives. On the 16th, the detachment sent to Point Ycaos, returned with thirteen pirates, having killed one.

FOREIGN NEWS. By late arrivals, London papers to the 22d January have been received.

The weather has been so mild on the continent of Europe, particularly in Poland and Russia, that

it resembles spring more than winter; and in the neighborhood of Dundee, Scotland, a field of ripe barley was cut down in the middle of January, which had been sown in August last.

The frigate Owen Glendower has arrived in England from South America, with a million and an half of dollars on board. She left Valparaiso, Oct. 10.

It is stated that the quantity of rum on hand in London exceeds 35,000 puncheons!—15,000 more than at this period last year. Few sales are effected, and the West India planters are much distressed thereby.

The average amount of notes and bills of the bank of England in circulation, is stated at £18,324,974 15s. 9d.

Ireland continued disturbed: the famous Orangeman James, has been created a baronet, to the destruction of all the "good feelings" that were spoken of when the king visited Dublin. In a late patrol of the country near Mullow, two parties, each headed by priests of the established church, met one another—one was supposed to be "white boys," and fired upon by the other, by which one of the magistrate-priests and a constable were instantly killed.

It is asserted that the British government has abandoned all hope of preserving peace between Russia and Turkey.

Upwards of 200 vessels were lately wrecked on the coast of Sussex.

France. The debates in the chamber of deputies continue to be violent, but it does not seem as if any thing important was about to grow out of them. There is some talk of conspiracies. The duchess de Bourbon, mother of the unfortunate duke D'Enghien, has died, aged 72. Viscount Chateaubriand has been appointed minister at London, in the place of the duke des Cazes, resigned.

Spain has negotiated a loan of seven millions (of what is not stated) in London. The king had not yet changed his ministers. The disturbed state of the country is still spoken of, but it seems pretty evident that things are of a more settled character than the French journalists represent them.

Russia and Turkey were not yet at war, though it seemed, at London, to be considered as inevitable.

The total amount of the military force of Russia exceeds a million of men in arms! There are five large corps of 75 or 80,000 men, each, stationed at different points, besides two armies—and, when the emperor pleases to visit Constantinople, he can easily sweep the Turks out of his way.

The Greeks appear to go on prosperously. They have an organized government, of which Demetrius Ypsilanti is the chief. An expedition of 2000 men was preparing to drive the Turks out of the island of Scio. All the Morea, except the town of Coron was in their hands. Thessaly, Epirus, &c. were also relieved of the Turks.

Brazil is not settled. The prince left in command at Rio Janeiro, was ordered home by the king and cortes. Some of the people, fearing that they would be subjected to a military government if he departed, prevailed on him to consent to remain for further orders. This offended the general, who rallied the European troops, and they insisted that he should leave the country. On this the prince threw himself on the people, declaring that he would not submit to such dictation. They supported him, and compelled the general and the troops to a capitulation that they should be sent off home to Portugal, for which purpose transports

were preparing. But it was still thought that they would resist when required to embark.

The royal general Lacerna had still about 2,000 men under his command, in the mountainous districts of Peru; but his ranks were daily thinning by desertions.

The bishop of Panama had represented to the government that a lodge of the "detestable free-masons" had been established in that city—but the government referred the venerable complainant to the public tribunals and the laws.

Duties on Imports.

The following bill is depending in the house of representatives of the United States:

A bill to revive and amend the several acts imposing duties on imports and tonnage.

Be it enacted, &c. That the fourth paragraph of the first section of the act, entitled "an act to regulate the duties on imports and tonnage;" passed the twenty-seventh of April, one thousand eight hundred and sixteen, and continued by an act passed on the twentieth day of April, one thousand eight hundred and eighteen, be and the same is hereby, continued, and made permanent.

Sec. 2. *And be it further enacted,* That, from and after the thirty-first day of December next, the sixth section of the act, entitled "an act for providing for the deposit of wine, and distilled spirits in public ware-houses, and for other purposes," passed the twentieth day of April, one thousand eight hundred and eighteen, shall be repealed, and cease to be in force; and the several acts, relative to the time when bonds to be given for articles shall become payable, prior to the date of the said act, be, and the same are hereby, revived and continued in force, from and after the said thirty-first of December next, any thing in the said act to the contrary notwithstanding.

Sec. 3. *And be it further enacted,* That from and after the thirtieth day of September next, the following duties shall be levied, collected and paid, in lieu of the duties heretofore imposed by law, to wit:

A duty of ten per cent. ad valorem, on all the articles contained in the first article of the section of the act, entitled "an act to regulate the duties on imports and tonnage," which articles now pay a duty of seven and a half per cent.

A duty of twenty-five per cent. on all manufactures of cotton, wool and linen, or of which either is a component part, not particularly specified; on articles of silk, or of which silk is a component part, the manufacture of India, China or any other country beyond the Cape of Good Hope; on engravings, on ivory, shell, or horn combs; on Mad-rass handkerchiefs, and other manufactures made of the bark of trees; on muffs and tippets.

A duty of thirty three and a third per cent. on nankeens, the manufacture of any place beyond the Cape of Good Hope.

A duty of forty per cent. on ready made clothes.

The following duties, severally and specifically:

On lead, in pigs, bars and sheets, two cents per pound;

On shot, manufactured of lead, three cents per pound;

On pewter, four cents per pound;

On pepper, ten cents per pound;

On pimento, eight cents per pound;

On ale beer and porter, in bottles, twenty cents per gallon.

On ale, beer and porter, imported otherwise than in bottles, fifteen cents per gallon;
 On Chinese cassia, ten cents per pound;
 On cocoa, three cents per pound;
 On chocolate, four cents per pound;
 On ginger, three cents per pound;
 On currants and figs, three cents per pound;
 On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;
 On all other raisins, three cents per pound;
 On filberts, three cents per pound;
 On molasses, six cents per gallon;
 On prunelle and other shoes, or slippers of stuff or nankeen, twenty-five cents per pair;
 On laced boots or bootees, one dollar and fifty cents per pair;
 On smoked salmon, one dollar per quintal;
 On linseed, palm and hempseed oil, twenty-five cents per gallon;
 On manufactured tobacco, four cents per pound;
 On mercury and quicksilver, and all preparations of it, eight cents per pound;
 On bees-wax, seven cents per pound;
 On butter, five cents per pound;
 On camphor, crude, ten cents per pound; refined, twenty cents per pound;
 On chamomile flowers, ten cents per pound;
 On feathers, for beds, five cents per pound;
 On flax, three cents per pound;
 On Roman cement, one cent per pound;
 On indigo, twenty-five cents per pound;
 On cochineal, one dollar per pound;
 On madder, two cents per pound;
 On vinegar, eight cents per gallon;
 On wool, six cents per pound;
 On all black teas, twenty-five cents per pound;
 On hyson-skin, and other green teas, not enumerated, twenty-five cents per pound;
 On Glauber salts, two cents per pound;
 On Epsom salts, three cents per pound;
 On coal, six cents per bushel;
 One pine apples, four cents each;
 On arrack, forty cents per gallon;
 On Cayenne pepper, fifteen cents per pound;
 On copper bottoms, cut round, or still bottoms, raised to the edge, four cents per pound;
 On copper, in plates or sheets, weighing more than thirty-four ounces per square foot, four cents per pound;
 On copper plates, for engravers, four cents per pound;
 On hemp, two cents per pound;
 On iron, in bars and bolts, not manufactured by rolling, one dollar per hundred weight;
 On castings of iron, one dollar per hundred weight;
 On spikes, of iron, four cents per pound;
 On nails, five cents per pound;
 On anvils, two cents per pound;
 On iron, in sheets, rods and hoops, three cents per pound;
 On iron, cables, or chains, or parts thereof, three cents per pound;
 On spades and shovels, two dollars per dozen;
 On lard, three cents per pound;
 On opium, one dollar per pound;
 On soap, four cents per pound;
 On all printing paper, eight cents per pound;
 wrapping paper, six cents per pound;
 colored paper, six cents per pound;
 writing paper, twelve cents per pound;
 sugar-loaf paper, four cents per pound;
 letter or folio post paper, fifteen cents per pound;

On book-binder's, band-box, and sheathing paper, three cents per pound;
 On printed hangings, fifteen cents per pound;
 On all other papers, not enumerated, six cents per pound;
 On wines, Madeira, sixty cents per gallon;
 Marsala, or Sicily Madeira, and other wines of Sicily, forty cents per gallon;
 Malaga and Colmenar, thirty cents per gallon;
 Fayal, thirty cents per gallon;
 Fayal, Pico Madeira, forty cents per gallon;
 Canary, thirty cents per gallon;
 On books, in sheets or boards, twenty-one cents per pound.
 when bound, twenty-eight cents per pound.

Sec. 4. *And be it further enacted*, That the following articles shall be imported free of duty, viz books in ancient languages; books in modern foreign languages; books, maps, charts, instruments, and engravings, specially imported for the use of any state, or sent to philosophical or literary institutions, as donations, or by way of exchange.

Sec. 5. *And be it further enacted*, That, in lieu of the drawback heretofore allowed by law, their shall be allowed from and after the thirtieth of September next, a drawback of five cents on every gallon of spirits, not below first proof, distilled within the United States, from molasses, subject to the provisions and regulations of an act, entitled "an act to allow drawbacks of duties on spirits and sugar, refined within the United States, and for other purposes," passed the thirtieth day of April, eighteen hundred and sixteen, except as to the payment of the debenture, which shall be made conformably to an act passed the third March, eighteen hundred and twenty one, entitled "an act to authorize the collectors of the customs to pay debenture issued on the exportation of loaf sugar, and spirits distilled from molasses."

Sec. 6. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandise, which, after the said thirtieth day of September, one thousand eight hundred and twenty-two, shall be imported in ships or vessels not of the United States: *Provided*, that this additional duty shall not apply to such goods, wares, and merchandise, imported in ships or vessels not of the United States, entitled by treaty, or by any act or acts of congress, to be entered in the ports of the United States on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States.

Sec. 7. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed, on goods, wares, and merchandise, imported into the United States, upon the exportation thereof within the time, and in the manner prescribed in the fourth section of the act, entitled "an act to regulate the duties on imports and tonnage, passed on the twenty-seventh day of April, one thousand eight hundred and sixteen.

Sec. 8. *And be it further enacted*, That the existing laws shall extend to, and be in force for the collection of, the duties imposed by this act on goods, wares, and merchandise, imported into the U. States, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully, and effectually, as if every regu-

lation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by, this act.

Sec. 9, *And be it further enacted*, That the duties imposed by this act shall not be levied on goods imported in vessels of the United States from beyond the cape of Good Hope, which shall have sailed from the United States before the passage of this act, and shall arrive therein between the thirtieth September, eighteen hundred and twenty-two, and the first day of October, eighteen hundred and twenty-three.

The Pension Law.

Letters of the secretary of war, and opinions of the attorney general of the United States, in relation to the execution of the acts of congress of the 1st of May, 1820, in addition to the pension law of 1818, &c. &c.

War department, Jan. 2, 1822.

SIR:—In answer to your letter making several inquiries relative to the regiment commanded by col. Bedel, and in relation to several other subjects connected with revolutionary pensions, I have the honor to acquaint you that there are several pay rolls of that regiment in this department; that sixty-four persons who belonged to that regiment now receive pensions, three of whom are officers; and, that a number of persons who served under col. Bedel have applied for pensions and have been refused. The former class is composed of those who served under that officer, in 1776, at which period his regiment was considered on the continental establishment;—those whose claims have been rejected, served prior, or subsequent to, that year, when that regiment was not on the continental establishment.

In reply to the other inquiries in your letter, I have to inform you, that it appears from the records of this department, that two thousand three hundred and ninety-two persons, whose names were placed on the pension list under the act of March, 1818, have applied for a continuation of their pensions under the act of May, 1820, and been rejected.

From the 18th of March, 1818 to the 1st of May, 1820, two hundred and fifty-two have been discontinued by death, and from the latter date to the 1st of December, 1821, it appears, so far as returns have been received, one hundred and eighty have been in like manner discontinued. Probably as many more have died, but the number cannot yet be precisely ascertained, reports for the last six months having been received from five states only, viz: New Hampshire, Rhode Island, New York, Pennsylvania, and Maryland.

A person whose name may have been placed on the pension list under the act of March, 1818, and dropped therefrom under the act of May, 1820, on account of the amount of his property, may be restored to the roll, in a case where it is evident that a mistake has arisen; but in no other case can a person's name be restored to the list. According to the construction given by the attorney general to the act of May, 1820, there is no power vested in this department to replace the name of any one who has been dropped from the roll on account of his property, and who may have since become so reduced as to need the pension, and by his opinion I have been invariably governed in my decisions.

I have the honor to be, &c. J. C. CALHOUN.
Hon. John Cocke, chairman of com. of rev. pensions.

Department of war, Dec. 17th 1821.

SIR:—I have the honor to acknowledge the receipt of your letter of the 14th inst. requesting a statement of the number of persons placed on the pension list, agreeably to the provisions of the act of congress of the 18th March, 1818, and the number now on the list, in pursuance of the act of the 1st May, 1820, with a brief statement of the principles by which they were retained or rejected.

The whole number of persons whose names have been placed on the pension roll, under the former act, amounts to eighteen thousand four hundred and eighteen; which has been reduced, under the latter, to twelve thousand and eighty eight. The principles by which I have been governed, in the investigation of claims under that law, you will find generally laid down in the opinions of the attorney general of the United States; copies of which are herewith transmitted. No particular amount of property has been assumed as a standard by which to regulate the continuance of a pension; but, in every case, regard has been had to the peculiar circumstances of the applicant. His age, his occupation, his ability to pursue his business, the number and ages of the members of his family, and their capacity to contribute to his support, with the duration of his service, are all taken into consideration.

It is proper to observe that the opinion of the attorney general has not been construed to extend to prevent a reconsideration, where there is any grounds to believe that an error has been committed in dropping a pensioner from the list.

I have the honor to be, your obedient servant,
J. C. CALHOUN.

Hon. John Cocke.

Chairman of the committee of rev. pensions, H. R.

*Office of the attorney general of the U. S.
May 9th, 1820.*

SIR:—I have now the honor of answering, in their order, the three questions, submitted for my opinion, on yesterday, on the act of congress of the 1st inst. supplementary to the act of the 18th of March, 1818, providing for certain persons who served in the land and naval service of the United States, in the revolutionary war.

First. Whether the whole of the form prescribed in the first section, to verify the amount of property of the applicant, except the oath of the party, and the certificate of the clerk, must not be done in open court?

Answer. That section requires the party to present, in open court, the schedule of all his property, subscribed by himself, and accompanied by the affidavit, the form of which is given by the section.

This affidavit must be annexed to the schedule and must either have been previously sworn to before some judge of the court, or must be sworn to in open court, when the schedule to which it is annexed, shall be presented, affix a value to the property: all this is to be done in open court, and made matter of record: for, by the term court, used in the section, is meant the court in session. I answer the first question, therefore, in the affirmative.

Secondly. Whether by "court of record," mentioned in the first section, is included courts of special jurisdiction; such, for example, as a court of ordinary, even when it is court of record, as it has been decided to be in some of the states?

Answer. Courts of special jurisdiction may nevertheless, be courts of record. All the courts of special, not of general jurisdiction; yet they are courts of record. The phrase "court of record" is borrowed from the English law, and it is proper

to look to that law for its meaning. According to the English law, those only are courts of record, which proceed according to the course of the common law, which have jurisdiction in all actions, real, personal, and mixed, above the value of forty shillings; which have the power to fine and imprison; and which enroll or record their proceedings, in perpetual testimony thereof. According to that law, the mere fact of keeping a register of its proceedings, is not enough to make a court of record. For the court of admiralty and ecclesiastical courts do this; yet they are not courts of record in England, because they do not proceed according to the course of the common law, but according to the course of the civil and canon law. The "court of ordinary," mentioned in the question, is, I presume, the prerogative court of England, whose function is to grant probate of wills, and letters of administration; this is one species of ecclesiastical courts, and, in England, is not a court of record, for the reason just mentioned, that it proceeds by civil and canon law, not by the common law. It is farther to be remarked, that in England the erection of a new tribunal, with the power to fine and imprison, is of itself sufficient to constitute the new tribunal a court of record. With this view of the English law on the subject it is proper to state, that, in my opinion, all are courts of record, within the contemplation of the act of congress—

- 1st. Which are expressly made courts of record by the laws of the state which create them.
- 2nd. Which have been solemnly adjudged by the tribunals of the several states to be courts of record.
- 3rd. Which proceed according to the course of the common law with a jurisdiction unlimited, in point of amount, keeping a record of their proceedings.
- 4th. Which have the power of fine and imprisonment.

And that courts, which proceed according to the course of the civil and canon law, having neither of those attributes, are not courts of record, although they may keep a register of their proceedings, and possess its seal.

The great multitude and variety of courts, which exists in the different states, and the very loose and incorrect notions which are afloat, as to what it is that constitutes that technical being, "a court of record," will render it difficult for you to apply those principles to every case that may be brought before you, from every part of the union. You have a right, however, to be satisfied; and, indeed, you are required by the law to be satisfied, that the court whose certificate is affixed is a court of record. This proof can be easily supplied by the minute of the court in every instance; it may, on the face of the proceedings, state itself to be a court of record, expressly so declared by the statute of the state which created it; or "expressly so adjudged by the tribunals of the state;" or "having the power of fine and imprisonment," &c. This may be required, by the regulations which you will publish under the act, and it is fortunately a requisition with which a compliance is very easy.

Thirdly. Whether the words of the third section "in such indigent circumstances, as to be unable to support himself, without the assistance of his country," do not comprehend those only, who are incapable, without the aid of the government, of supporting themselves, except by private or public charity?

Answer. I think it was the intention of congress to make the amount of the schedule the test of the

indigence of the applicant; and that, consequently, the relief given by the former act, is to be continued in every case, in which the schedule shall exhibit proof of such indigence, that the income of property is inadequate to the support of the applicant.

I have the honor to be, sir very respectfully, &c.
WM. WIRT.
The hon. John C. Calhoun, secretary of war.

*Office of the attorney general of the U. S.
February 19, 1821.*

SIR: The act of the 1st of May, 1820, in addition to the pension law of the 18th of March, 1818, makes it the duty of the secretary of war to strike from the list of pensioners the name of every person who, according to the evidence of the schedule required by the act, ought not, in his opinion, to remain on it. I am asked, whether he has any power to restore, on subsequent and different evidence of the schedule; to which I answer, that he has not, because the law, which is the only warrant of authority to him, gives him no such power. If it be desirable that he should possess it, congress must confer it, or he cannot, with any propriety, assume its exercise.

I have the honor to remain, sir, very respectfully,
your obedient servant,

WM. WIRT.
The hon. John C. Calhoun, department of war.

Army Expenditure.

Letter from the secretary of war to the speaker of the house of representatives.

DEPARTMENT OF WAR, 1st March, 1822.

SIR: Pursuant to a resolution of the house of representatives of the 7th ultimo, I have now the honor of submitting "a comparative view of the expenses of the army proper, and military academy, for the years 1818, 1819, 1820, and 1821, and estimates for 1822, arranged under the various heads of expenditures according to the present and former organization of the department of war." The military disbursements for the years 1816 and 1817, as explained by the letter from the second auditor, accompanying this report, are so blended with the arrearages of prior years, pay and subsistence of the militia, and claims of certain states and individuals, arising out of the late war, as to preclude the possibility of ascertaining the expenses of the army for those years, and so as to put it out of my power to embrace them in the comparative view called for; though it is believed, if it could be embraced in the comparison, the result would not vary materially from that founded on the expenditure of the year 1818, in which year a separation was made, for the first time, between the current expenses of the army and the arrearages growing out of the expenditures of the late war.

Table A, accompanying this report, is the statement of the second auditor, and exhibits a view of the expenditures of the army proper, including the military academy, from the year 1818 to 1821, inclusive; from which it appears that the expenditures, after deducting for the increased expense on account of the Seminole war, in 1818, were, respectively, for those years, \$3,702,495 04, \$3,374,731 95, \$2,816,414 11, and \$2,180,093 53; adding to the expenditure of the last year the arrearages of the quartermaster's department, and subtracting the expenditure incident to the reducing the military establishment in June last, the estimate for the expenditure of the year 1822, including the balan-

cea of such of the appropriations of the last year as are required for the service of this, amount to \$1,800,424 85.

Table D is an abstract of the general returns of the army, for the years 1818, 1819, 1820, and 1821, showing the number of officers and enlisted men, as reported by the last returns received at the adjutant general's office, together with the academic staff and military school at West Point, to which is added the number of the military establishment, by the present organization, for the year 1822. From the exhibit in the table, it appears that the average strength of the army, including officers and cadets, for the year 1818, was 8,199; for 1819, 8,428; for 1820, 9,693; for 1821, 8,109; and that, from the organization of the present military establishment, if the rank and file are kept full, the strength, for 1822, will amount to 6,442.

It also appears, from the same table, that the commissioned officers were, in proportion to the cadets and rank and file of the army, in service, for those years, thus:

In 1818, as 1 to 11 75,	In 1821, as 1 to 12 18.
In 1819, as 1 to 12 11,	In 1822, as 1 to 10 25.
In 1820, as 1 to 13 57,	

Table C exhibits the result of the comparative view of the expenditures of the army for the years 1818, 1819, 1820, 1821, and estimates of expenditures for 1822. To illustrate distinctly the operations of the present system, in controlling the disbursements of the army, through the instrumentality of a proper organized staff, the items composing the expenditures of the army have been classed under two divisions, viz:

First. Those which are fixed by law, and which cannot be materially affected by administration; such as, pay to the officers and men, subsistence to the former, and the allowance to them for servants, forage, transportation for baggage, &c.

Secondly. Those items which are embraced under the general character of supplies for the army, and which may be reduced by correct administration; such as, subsistence to soldiers, clothing, quartermaster's and medical stores. As most of the articles embraced under the above denomination are exposed to fluctuate in price, and a considerable reduction took place in the medical, subsistence, and clothing supplies, within the periods compared, proper allowances have been made on that account, amounting, in the price of provisions, from forty to thirty-nine and a half per centum, and, in that of clothing and medical stores, from seven to eight and an half per centum. The contracts made by the different departments, and the price currents for those years, in the principal cities, have been the guides in fixing on those allowances. To the quartermaster's disbursements no additions have been made, as any reduction which may have taken place in the price of supplies furnished by that department, has been more than balanced by the increased expenditures to which it has been subject from the extension and multiplication of the frontier posts.

From table C it appears, that the expenditures of the army, (additions being made as above stated, for the reduction in prices of stores and supplies in the years subsequent to 1818, so as to raise the prices of those years to the standard of those of that year), would amount to,

In 1818, ...	\$3,702,495 04
In 1819, ...	3,563,735 10
In 1820, ...	3,061,884 00
In 1821, ...	2,327,552 13
And by estimates for 1822,	1,929,179 91

From the above data and average strength of each year, conformably to an abstract of the general returns of the army, it results, that the average cost of the army, for each individual, taking the aggregate of the officers, professors of the military academy, cadets, and enlisted men, in the service of the United States, for 1818, was, in expenditures, not materially affected by administration, on an average, each \$151 93
Its expenditures which may be affected by administration, on an average, each 299 64

Total average cost for officers and enlisted men, &c. each for 1818, - \$451 57

For the year 1819:
In expenditures of the 1st class, each \$158 72
In expenditures of the 2d class, each 275 98

Total average cost, each \$434 70

For the year 1820:
In expenditures of the 1st class, each \$140 45
In expenditures of the 2d class, each 178 43

Total average cost, each \$315 88

For the year 1821:
In expenditures of the 1st class, each \$136 62
In expenditures of the 2d class, each 150 40
\$287 02

For the year 1822:
Conformably to estimates, of the 1st class, each \$155 30
Conformably to estimates, of the 2d class, each 144 16
\$299 46

From the above it appears that there has been an actual annual reduction in the average expense of each officer and soldier in the service,

In the year 1819, of \$16 87 each;
In 1820, of 135 69 each;
In 1821, of 164 55 each;

And by estimates for 1822, of 153 11 each.

The act of congress for organizing the general staff, agreeably to its present formation, was not approved until the 14th of April, 1818, and the change in the system for controlling the disbursements of the army, under the superintendence of the chiefs of each department located at Washington, could not be sufficiently matured before the close of the year 1819, which, with the additional expense to which the quartermaster's department was unavoidably subjected in the year 1819, from occupying advanced military posts on the Missouri and Mississippi rivers, will account for the comparatively little reduction in the expenditure in that year.

The expenditure for the year 1822, compared with the aggregate of individuals composing the military establishment, though favorable, as contrasted with the expenses of 1818, 1819 and 1820, is not so with 1821. This difference is accounted for from the present organization of the military establishment, the officers being in larger proportion to the rank and file, than under the former organization; but, if we should suppose the proportion to be the same, the comparison, founded on the estimates for 1822, would be more favorable in its results than in the expenditures of the preceding year. From table C. it further appears, that

the army for the year 1818, being 8,199 strong, including general staff, professors of the military academy, cadets and enlisted men, cost, for that year \$3,702,495 04, and that for the same numerical force, at the rate of the expenditures in 1818, would have cost,

For 1819	\$3,564,105 30
For 1820	2,589,900 12
For 1821	2,353,276 98
And, on the estimates for 1822	2,455,272 51

After making an allowance for the difference in prices of articles of supplies, as above stated, the results in favor of the latter years are, respectively, \$138,389 74, \$1,112,594 92, \$1,349,218 and \$1,247,222 50.

Such are the results, as founded on the statement of the second auditor of the treasury department, but which, for the reasons which he has assigned in his report, may not be strictly correct as the accounts of the expenditure of each year are not kept separately. It is, however, confidently believed, that any inaccuracy in the mode of ascertaining the amount of the expenditures of the several years, cannot, in any considerable degree, vary the result. This great reduction in the expenditure has been effected by the present organization, principally by the more minute control which, through it, has been given both to the disbursements of public money and the preservation of public property. Its beneficial effects have been no less striking in the prompt rendition and settlement of the accounts of disbursing officers. All the accounts for supplies and disbursements in the department of the commissary of subsistence, for the year ending the 1st June last, the period at which the contracts for supplying the army expired, are settled, except a few small ones, amounting, in the whole, to \$5,405 46, though there were seventy-one contracts formed, and ninety-one disbursing officers attached to this department during that year.

The settlements in the other subordinate branches of this department are not less prompt. It is believed that the system has attained nearly all the perfection of which it is susceptible, as, by reference to the table marked C, it will be seen that those expenditures, liable to be affected by administration, and which are principally on account of the soldiers, will be but little reduced in this year, when compared with those of last year, and it is not doubted but that if preserved, the system will hereafter prevent the accumulation of unsettled accounts, and of any considerable losses in the expenditure for the army. Taking every circumstance into consideration, the number and distance of the posts, the quantity and quality of the supplies, and the large proportion of officers and cadets, which, while it better fulfils the object of a peace establishment, renders the army more expensive, when compared with the aggregate of individuals, including officers, cadets and privates, it is believed that, at no period, has the expense of the military establishment been, in proportion to its size, so small as under its present organization.

Table marked D. contains a comparative statement of the expense of supplying the army, from the 1st of June, 1816, till the 31st of May, 1817, under the former system, and the same under the present from the 1st of June, 1820, till the 31st of May, 1821. The new system commenced its operation on the 1st of June, 1819, and, as some additional expenses were necessarily incurred in the first year, it was thought that the operation

of the system would be more fairly tested by taking the subsequent year. The year from the 1st of June, 1816, was assumed, under the old system, in preference to subsequent years, under the belief that it presents the fairest test of the operation of the former system, the accounts of that year being more completely adjusted, and not involved in the increased expenditure on account of the Seminole war.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. P. P. Barbour,

speaker house of representatives, U. S.

Corps of Cadets.

HOUSE OF REPRESENTATIVES, MARCH 4.

The committee on military affairs having made the necessary inquiries relative to the military academy and the corps of cadets, submit the following statement from the war department, with the annexed report.

Statement, shewing the number of admissions, resignations, dismissals, issues and promotions of cadets at the military academy at West Point, annually, from the year 1817 to 1821, inclusive; together with the whole number in each year on the 31st of December.

Years.	Admitted.	Whole.	Resigned.	Dismissed or discharged.	Issued after completing their education.	Promoted or commissioned.
1817	37	Dec. 31 say, 220	40	3	22	22
1818	113	231	49	14	25	25
1819	48	244	40	2	29	29
1820	67	232	40	8	30	30
1821	98	233	35	17	24	24
	363		204	44	150	150

Taking the number 230 as the average number present at the academy in each of five years, and 26 the average number of those who have been commissioned in each year, it follows that the latter are to the former as one to nine, with a small fraction.

The time of the resignations and dismissals, stated in the report, not having been required, and not being specified, the committee have reason to believe them to have taken place generally before the students had entered upon those branches which were necessary qualify them for the several departments of service, as those of engineers, artillery, &c. in which it was the design of the institution to instruct them; as it is well known that young men have been sent to the academy for the purpose of receiving a general education, without the intention of engaging in military service. To prevent this practice in future, which is considered a perversion of the great object of the institution, it appears to be indispensable that each cadet, with his parent or guardian, should be required to sign, on his admission, an engagement to serve the United States five years, unless sooner discharged, as provided in the act of April 29th, 1812.

The omission of this condition appears to the committee to have been among the principal causes to which may be ascribed the great proportion, (amounting to nearly two thirds of the whole number admitted) of resignations and dismissals reported in the return. There have, however, been other causes, among which may be reckoned the enlarged state of the affairs of the academy for

several years preceding, and for some time subsequent to the statement herein contained. Within the last two years, improvements have been made in every branch of instruction and discipline affording the fairest prospects, and promising, under the continued patronage of government, to fulfil the public expectation, and to accomplish the important objects of the institution.

An idea has prevailed that, in addition to the officers furnished to the army, the academy has been the means of distributing throughout the states young men of military education and talents, to be engrafted on the militia. This opinion appears to the committee not to be well founded; nor can it be, so long as the greater part of those who are permitted to resign to retire to private life before they have been instructed in the application of the preliminary science to any one arm or branch of service, excepting the drill and field duty. The expense of maintaining and educating the cadets has also engaged the attention of the committee. Not relying on the result to be derived from the annual appropriation for the last two or three years, they have estimated the pay, subsistence, the expense of professors, teachers, &c. and find that, taking the average number 230 present at the academy, the amount for each cadet exceeds 500 dollars annually, without including the interest of the money expended on the public buildings, the principal of which has exceeded 300,000.

It has been before stated, that one in nine of those reported present at the academy have entered the army; but when it is considered that one half of the whole number have not remained there above two years, it is required to multiply the expense by four and a half or by four, whence it would follow, that the expense of one cadet entering the army on his own account, amounting to \$2000, for four amounts to \$8000.

Whether, and how far, it may be expedient to reduce the number and the compensation of the cadets, the committee submit to the judgment of the house, and for that purpose report a bill.

Post Office Department.

Report of the postmaster general, of the receipts and expenditures of the general post office, from the year 1816, to the year 1821, inclusive.

Statement of the post office department, shewing its produce and expenditure, from 1816 to 1821, inclusive.

Years . . .	No. of Post Offices	Gross amount of Postage.	Compensation to Postmasters.	Incidental expenses.	Transportation of the mail.	Balance in favor of General Post office	Excess of Post Receipt.
		dols.	dols.	dols.	dols.	dols.	miles.
1816	3,260	661,782	265,944	16,508	521,970	157,360	48,976
1817	3,459	1,002,973	303,916	23,410	589,189	86,438	52,689
1818	3,618	1,130,235	346,429	24,792	664,611	94,403	59,473
1819	4,000	1,204,737	375,828	24,152	717,881	86,876	68,586
1820	4,509	1,111,927	352,295	26,206	782,425		73,492
*1821	4,976	1,029,102	331,982	53,181	800,418		79,808
		5,440,756	1,976,294	148,249	4,976,191	452,097	

Note.—The balance against the general post office, in 1820, was \$6,999, and in 1821 it was 136,379.

*The produce of the fourth quarter of 1821, is estimated, and the incidental expenses of that year were increased by an expenditure for the roof of the general post office, and a fire engine, amounting to six thousand and twenty dollars.

By an examination of this statement, it will appear that a deficiency of the revenue of the office is with much certainty anticipated: and it will be perceived that, since the year 1819, the postages have diminished, while the expenses have increased, by the augmentation of post routes; and thus increased disbursements have been made, while the means of their support have decreased.

The causes of the diminution of postages may be assigned to a general depression of commerce, and a consequent inactivity of correspondence, to a scarcity of money, and in some sections of the country, the absence of a currency adapted to the operations of the department.

The above statement will exhibit the annual increase of the extent of miles of post roads established during the preceding six years, the total increase amounting to thirty thousand eight hundred and thirty-two miles. In seven years preceding the last, the general post office has paid into the treasury of the United States the sum of three hundred and eighty-five thousand eight hundred and seventy-eight dollars and twenty-one cents.

To supply the contingent deficiency of revenue, and to reduce expenditures, I will suggest:

Firstly, The expediency of discontinuing by law, all post routes which do not, and shall not produce one third of the expenses of transporting the mails thereon, after an experiment of two years has been, or shall be hereafter made.

Secondly, By providing by law for an increase of postage on newspapers, more proportionate to the expenses and distances of their transportation, and yet the increase of postage not to be so great as to affect the circulation of those useful vehicles of information, so necessary to the existence and preservation of free governments; and by subjecting to postage all newspapers carried in the mail.

Thirdly, To provide for the better securing the postages on newspapers, the remedy proposed is to require the payment of newspaper postage before their transmission by mail.

Fourthly, By a diminution in the expenses of collection. The commissions at some of the post-offices are greater, it is believed, than are really necessary. The fortieth section of the post office law, which requires the surplus, after paying the postmaster two thousand dollars a year and his necessary expenses, to be accounted for, requires amendment. The postmaster being left himself the judge of what he shall pay for clerk hire and other expenses, may calculate so as to expend the whole amount of commission and other allowances, so that no postmaster may charge more than is really a proper compensation for himself, including his necessary expenses.

Fifthly, By prohibiting all passengers, as well as drivers and owners, in public stages, which travel on a post road, and all passengers who are conveyed in steam, or other regular boats or vessels, from carrying letters and packets, other than such as are open, and relate to their own concerns; and subjecting all such letters as are conveyed by a passenger, driver, or owner, when delivered into a post office, to the same postage as if conveyed in the mail.

The deficiency in the product of the two preceding years has been supplied by the collection of outstanding balances. The balance in favor of the general post office on the first of January last, is estimated at something over five hundred thousand dollars. A part of that sum has been collected and paid to contractors for carrying the mail. This would seem to afford a means of supplying

the deficiency of the product of the current year. But it should be recollected that this contains the accumulated balances of the department from its first establishment, say for nearly thirty three years. And, although the absolute loss will, it is supposed, amount to an inconsiderable sum, it is found to be extremely difficult to collect sufficiently fast to satisfy the demands upon the office. And experience shews, that there must be always a large outstanding balance.

The causes previously assigned for the diminution of postages, together with occasional bankruptcies, deaths of postmasters, and the extensive number of nearly five thousand postmasters, operate also to retard the collection of balances.

Two clerks have been constantly employed for three years past, and have been assisted most of the time by two others in this business, and the collection of arrearages is still pressed unceasingly, but, as has been before remarked, new balances arise.

The outstanding balances amount to nearly half of the gross amount of postages of one year—Where resort is had to law, collections must be dilatory; and an immediate resort in all cases, is not the speediest way of obtaining payment. A prudent regard to the interests of the public, as well as that of individuals, requires sometimes a recourse first to other measures.

The changes of postmasters, from various causes, is no inconsiderable source of delay and of labor in making final adjustments of accounts. These changes amount to nearly one thousand in a year.

But few suits had been commenced previous to my taking charge of the post office. In 1814, the whole number in the docket book being but 114. From that time to the close of 1820, six hundred and eleven suits were instituted, in addition to those before pending, and two hundred and twenty-six were brought to a close before that time. In the course of the year 1821, two hundred and twenty four suits were instituted, and one hundred and twenty five of the whole number in suit were brought to a close.—All which is respectfully submitted.

R. J. MEIGS, Jr.

The hon. P. P. BARREUR,
Speaker of the house of representatives.

Seventeenth Congress—first session.

IN THE SENATE.

March 8. Mr. *Holmes*, of Maine, moved the adoption of the following resolutions, which were ordered to be printed.

Resolved, That the president of the United States be requested to communicate to the senate, the expenses of building each vessel of war at each navy yard in the U. States, authorized by an act of the 2nd January, 1813, to increase the navy of the United States, and the act supplementary thereto. Distinguishing in each vessel so built, the expenses of timber, iron, copper, cordage, hemp, &c. cloth, and other materials—the amount paid to agents or superintendents, specifying their names—the amount paid for labor, particularizing carpenters, mast-makers, boat-builders, block-makers, blacksmiths, armourers, caulkers, gun-carriage-makers, sawyers, riggers, and other laborers.

Resolved, That the president be requested to communicate to the senate, the names, and number of officers and men belonging to the navy, employed in, or attached to each navy yard in the United States, with the service each has performed, and the compensation each has received in pay, rations and other emoluments, during the two last years, ending on the 1st of January last.—[Agreed to on Monday following.]

Mr. *R. M. Johnson*, of Ken. submitted the following resolution:

Resolved, That the committee on Indian affairs be instructed to inquire into the expediency of authorizing the president of the United States to take such measures as he may deem proper, to prevent wars among the aborigines within our jurisdictional limits.—[Agreed to on the 11th.]

The senate, agreeably to the order of the day,

took up, in committee of the whole, the resolution proposing an amendment to the constitution of the United States, as it respects the election of electors of president and vice president of the United States, and of representatives in congress, together with the following amendment proposed to the resolution by the select committee, to which it had been referred, viz:

“And, at the same time, the two additional electors to which each state is entitled shall be chosen by the persons so qualified to vote, in such manner as the legislature of the state shall direct.”

Mr. *Dickerson* briefly explained the operation of this amendment, which was reported by the committee to conform the resolution to the wishes of some gentlemen who considered such a provision essential.

On taking the question, this amendment was rejected, in committee of the whole, by a small majority; but

On reporting the resolution to the senate,

The same amendment was moved again, and it was agreed to—ayes 25.

The question was then taken on engrossing the resolution as amended, and reading it a third time, and was decided in the affirmative, by yeas and nays, as follows:

For the resolution	27
Against it	12

The engrossed bills, to establish a territorial government for Florida, and concerning the commerce and navigation of Florida, were read a third time, passed and sent to the house of representatives for concurrence.

The senate again spent some time in the consideration of executive business; and then

Adjourned to Monday.

March 11. The engrossed resolution proposing to the states so to amend the constitution as to create an uniform mode (by districts) of electing electors of president and vice president of the United States and representatives in congress, was read a third time, and, on the passage of which, the votes were as follows:

YEAS—Messrs. Barton, Benton, Brown, of Lou. Brown, of Ohio, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Holmes, of Me. Holmes, of Miss. Johnson, of Lou. Knight, Lloyd, Macon, Morrill, Noble, Otis, Palmer, Parrott, Seymour, Southard, Stokes, Talbot, Taylor, Thomas, Van Dyke, Williams, of Miss. Williams, of Tenn.—29.

NAVS—Messrs. Barbour, Boardman, Findlay, Gaillard, Lowrie, Mills, Pleasant, Ruggles, Smith, Walker, Ware—11.

Two thirds of the votes being in favor of the resolution, it passed, and was sent to the house of representatives for concurrence.

The resolution, introduced by Mr. *Lanman* some days ago, authorizing the erection of a tomb stone over the grave of the late Mr. *Burrill*, formerly a senator from Rhode Island, was taken up; and being amended to read as follows:

Resolved, That the expense of erecting plain monuments, with suitable inscriptions, over the graves of such members of the senate as are interred at the city of Washington, be paid out of the contingent fund—provided, the expense of erecting the same shall not, in each case, exceed the sum of 170 dollars.

The resolution was ordered to be engrossed and read a third time.

A message, similar to that transmitted to the house of representatives, relative to the South American states, was received by the senate, and referred to the committee on foreign relations.

The bill from the other house making appropriations for the military service of 1822—was, finally, passed and returned to the other house.

The senate then, according to the orders of the day, took up the resolution introduced by Mr. *Barbour* on the 18th of December, proposing an amendment to the constitution, to prevent the number

members of the house of representatives from exceeding two hundred.

After a speech by Mr. *Barbour*, the resolution was indefinitely postponed, by yeas and nays, as follows:

YEAS—Messrs. Boardman, Brown, of Lou. Brown, of O. Chandler, D'Wolf, Findlay, Gaillard, Holmes, of Me. Holmes, of Miss. Johnson, of Lou. King, of N. Y. Lloyd, Parrott, Pleasant, Ruggles, Smith, Taylor, Thomas, Van Dyke, Walker, Williams, of Miss. Williams, of Tenn.—22.

NAYS—Messrs. Barbour, Barton, Benton, Elliott, Knight, Lowrie, Macon, Palmer, Seymour, Stokes, Ware.—11

So the resolution was rejected.

Other matters attended to will appear in the course of their progress.

March 12. The bill to amend the charter of the bank of the United States chiefly occupied the senate this day. It simply provides that other persons than the president and cashier may sign its notes, and has an enacting clause for punishing frauds of its officers or servants. A motion to postpone the bill indefinitely was thus determined—

YEAS—Messrs. Brown, of Ohio, Chandler, Lanman, Macon, Noble, Ruggles, Smith, Talbot, Taylor, Thomas, Williams, Tenn.—11.

NAYS—Messrs. Barbour, Barton, Benton, Boardman, D'Wolf, Dickerson, Eaton, Findlay, Gaillard, Holmes, of Me. Holmes, of Miss. Johnson, of Lou. King, of Ala. King, of N. Y. Knight, Lloyd, Lowrie, Mills, Morrill, Otis, Parrott, Pleasant, Seymour, Southard, Stokes, Van Dyke, Walker, Ware, Williams, of Miss.—29.

A motion to strike out the second section (relating to frauds) was lost—for it 19, against it 19) by the casting vote of the chairman. An amendment was offered, and the senate rose without deciding upon it.

March 13. The bill to define the maritime jurisdiction of the courts of the United States, was ordered to be engrossed for a third reading.

Much other business, of a private or local nature was transacted. The bill to amend the charter of the bank of the United States was taken up and further considered. An amendment was offered to require the bank to make all its notes of and under 10 dollars, payable at the principal bank or any of its branches—which prevailed, 23 to 19.

It was proposed to allow the bank six months to to accept or reject these amendments—on which debate ensuing, the senate adjourned without a decision.

HOUSE OF REPRESENTATIVES.

Thursday, March 7. Mr. *Eustis*, instructed from the military committee, moved that a letter from the war department, respecting fortifications, be printed—which was agreed to.

This report of the engineer, general Macomb, states, that of the 500,000 dollars asked for of the appropriation for 1822, it is proposed to be distributed as follows:

Fort Delaware . . .	20,000
Washington . . .	25,000
Monroe . . .	175,000
Calhoun . . .	100,000
Mobile Point . . .	60,000
Riglets and <i>Chef Menteur</i> . . .	100,000
Repairs and contingencies . . .	20,000
	500,000

Mr. *Sergeant*, from the committee on the memorial of the bank of the United States, to whom was referred a resolution directing them to inquire "whether the bank of the United States has not taken, and is not in the practice of taking more than six per centum per annum, for or upon its loans or discounts?" made the following report:

That, having inquired into the facts deemed to be material in relation to the question proposed in the resolution, they find—

1. That it is, and from the establishment of the bank, in calculating the discount upon a note, payable a certain number of days after date, to compute the interest upon a month of 30 days, and the fractions of such month. Thus, one per cent. is charged for 60 days.

In this respect, the bank has conformed to the established, and, it is believed, universal usage in the United States, prevailing among individuals, as well as monied institutions, and to the most approved tables heretofore in use.

2. That in charging the discount upon a 60 days note, the bank and its branches have followed the usage of the place where the loan was made, as to the number of days (including the days of grace) for which the discount should be computed. In general, it has been the practice in the United States to charge the interest for 64 days; but there are some places where the interest is charged for only 63 days, and the branches established at such places have conformed to the practice prevailing.

The committee do not think that there is any thing in either of the modes of computing interest adopted by the bank, which calls for legislative interposition, and therefore submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Friday, March 8. A great number of reports were received from different committees, but not of general interest. A bill, making appropriations for the support of the navy for the year 1822, was read twice and committed; as was a bill "to provide for sick and disabled seamen."

Mr. *Floyd* laid on the table the following resolution:

Resolved, That the secretary of the department of war be directed to furnish to this house a statement of all the rations distributed to Indians during the years 1820 and 1821, excepting those issued by the commissaries at the military posts, designating the place where issued, the time when, and by whom.

The debate on the bankrupt bill was resumed in committee of the whole—Mr. *Sergeant* concluded his argument, which he commenced yesterday, in favor of the bill, at about 3 o'clock, when Mr. *Randolph* spoke against the passage of the bill until after 5 o'clock. The committee rose and had leave to sit again.

A message was received from the president of the United States, by the hands of Mr. *Gouverneur*, his private secretary, which was read, as follows:

To the house of representatives of the United States:

In transmitting to the house of representatives the documents called for by the resolution of that house of the 30th of January, I consider it my duty to invite the attention of congress to a very important subject, and to communicate the sentiments of the executive on it, that, should congress entertain similar sentiments, there may be such co-operation between the two departments of the government, as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere, attracted the attention, and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested, in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form, as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with

its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens also have carried on commerce with both parties, and the government has protected it with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled, with the utmost impartiality, all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration, whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810, free from invasion by the parent country. The provinces composing the republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and, of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico, our information is less authentic; but it is, nevertheless, distinctly understood that the new government has declared its independence, and that there is now no opposition to it there, nor a force to make any. For the last three years the government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers, which ought not to be resisted. Civil wars too often excite feelings which the parties cannot control. The opinion entertained by other powers, as to the result, may assuage those feelings, and promote an accommodation between them, useful and honorable to both. The delay, which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belong to this hemisphere; are our neighbors, and have successively, as each portion of the country acquired its independence, pressed their recognition, by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt, and frankly acknowledged; but they, in themselves, could never become an adequate cause of

action. It was incumbent on this government to look to every important fact and circumstance, on which a sound opinion could be formed; which has been done. When we regard, then, the great length of time which this war has been prosecuted; the complete success which has attended it in favor of the provinces; the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.

Of the views of the Spanish government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution, through such a long series of years, gaining strength and extending annually in every direction, and embracing, by the late important events, with little exception, all the dominions of Spain, south of the United States, on this continent; placing, thereby, the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them, on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprized, but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic and these provinces, makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the government of Spain, to whom it is presumed it will be as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right, as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE.

Washington, March 8, 1822.

The following report accompanied the message:

DEPARTMENT OF STATE,
Washington, 7th March, 1822.

The secretary of state, to whom has been referred the resolution of the house of representatives of the 30th of January last, requesting the president of the United States to lay before that house such communications as might be in the possession of the executive, from the agent of the United States with the governments south of the United States, which have declared their independence; and the communications from the agents of such governments in the United States, with the secretary of state, as tend to shew the political condition of their governments, and the state of the war between them and Spain, as it might be consistent with the public interest to communicate; has

the honor of submitting to the president, the papers required by that resolution.

The communications from the agents of the United States are only those most recently received, and exhibiting their views of the actual condition of the several South American revolutionary governments. No communication has yet been received from Mr. Prevost since his arrival at Lima.

There has been hitherto no agent of the United States in Mexico; but among the papers herewith submitted, is a letter, recently received from a citizen of the United States, who has been some years residing there, containing the best information in possession of the government, concerning the late revolution in that country; and specially of the character embraced by the resolution of the house.

JOHN QUINCY ADAMS.

To the president of the United States.

LIST OF THE DOCUMENTS TRANSMITTED.

Papers with the report of the secretary of state to the president, of 7th March, 1822, in relation to South American affairs.

The secretary of state to John M. Forbes, 5th July, 1820.

Mr. Forbes to the secretary of state, 2d September, 1821, extracts.

Same to same, 11th September, 1821, extracts.

Same to same, 28th September, 1821, extracts.

Same to Mr. Rivadavia, 14th September, 1821.

Mr. Rivadavia to Mr. Forbes, 15th Sept. 1821.

Minute of a conference with Mr. Rivadavia, 17th Sept. 1821.

Mr. Rivadavia to Mr. Forbes, 6th October, 1821.

Decree, 6th October, 1821.

Mr. Forbes to secretary of state, 26th October, 1821, extracts.

Same to same, 8th November, 1821, extract.

Same to same, 13th November, 1821, extracts.

Mr. Prevost to the secretary of state, 30th June, 1821, extracts.

Same to Mr. Joaquin Echeveria, 13th June, 1821, copy.

Gen. O'Higgins to Mr. Prevost, 23d June, 1821.

Mr. Hogan to the secretary of state, 18th August, 1821, extracts.

Act of independence of Peru, translation.

Mr. Brent to secretary of state, 10th July, 1821.

Mr. Torres to same, 20th February, 1821, translation.

Fundamental law of congress of Venezuela, 17th December, 1819, translation.

Credential letter to Mr. Torres, translation.

Mr. Torres to the secretary of state, 30th November, 1821, translation.

Same to same, 30th December, 1821, translation.

Same to same, 2d January, 1822, translation.

Secretary of state to Mr. Torres, 18th January, 1822.

James Smith Wilcocks to the secretary of state, 25th October, 1821.

Treaties concluded in the city of Cordova, on 24th August, 1821, between O'Donoju and Iturbide, translation.

Decree of the regency of Mexico, translation.

Manifesto to the people of Mexico, translation.

[We have a copy of these documents. The letter of Mr. Wilcocks, giving an account of events in Mexico, is very interesting, and we shall endeavor to give it a place in the REGISTER.]

Mr. Condict moved that the message should be referred to the com. on foreign relations—Mr. Rhea preferred a com. of the whole. Messrs. F. Jones and Lowndes, expressed their pleasure at the receipt of the message, and wished it referred to the

committee, as named by Mr. Condict. Mr. Wright had the same feelings, but desired that a committee of the whole should take it up—

Mr. Taylor said, the preliminary reference of this subject to the committee of foreign relations would not deprive the gentleman from Maryland of the opportunity of making known his views on the subject, which he could do upon the report of that committee. The message referred to a great extent of country; it embraced a number of governments, to some of which it might be proper to send ministers—to others not. Was it not wise—was it not proper, that the message should be referred to some committee, that a definite proposition might be presented to the house, and that, after it was presented, the house should then make such a disposition of it as it should think best? This Mr. T. thought was the proper course.

Mr. Cannon thought the proper course would be to refer this subject to the committee of foreign relations; but rose to move that the documents accompanying the message should be printed, as well as the message itself.

Mr. Nelson, of Va. suggested that the usual courtesy of the house, which allows a gentleman, on whose motion papers are required by the house, to move the disposition of them, had been in this case departed from, being the first instance within his knowledge in which it had been done. But he rose to second the motion to refer these papers to the committee on foreign relations. The object of the recommendation of the president, was to change the relations of this country with foreign powers. If ever there was a case in which a subject ought to be referred to the committee of foreign relations, this was such a case. He asked, also, that 5,000 copies of the papers should be printed.

Mr. Rhea spoke at some length in favor of a reference of this subject to a committee of the whole on the state of the union. He was opposed to any delay. It was well known now, he said, that these countries of South America have established their independence so that it never would be overturned till the sounding of the last trumpet. Those countries, under the auspices of the Almighty Governor of the Universe, have overturned their opponents, and established their independence at the expense of their blood and treasure. He was not for submitting to the committee of foreign relations the question whether or not they should be acknowledged? &c.

Mr. Farrelly drew, from the great disposition to debate this subject at this late hour, an argument against the reference of the subject to a committee of the whole. He apprehended that, if so referred, a discussion would arise on it which would consume half the session in unavailing debate, &c. He thought, also, courtesy required that the papers should be referred as wished by the gentleman on whose motion they had been called for.

Mr. Jones expressed his pleasure that his worthy colleague had become favorably disposed towards the acknowledgment of the independence of the southern republics. He wished to see a report from the committee of foreign relations on this subject. Four years ago he had been in favor of recognizing the independence of some of these governments; and he should like to know, from the committee, in what their situation differed, when he was in a minority of 45 on that question, from what it was at this moment. He was a plain honest man—a plain one he knew, and he hoped an honest one—and he wished to have from the committee a

plain and honest statement of the facts on this subject.

The question to refer the papers to a committee of the whole was negative; and they were referred to the committee on foreign relations.

On the question to print the documents, Mr. Cook supported that motion. The papers, he said, had a close bearing on the subject, and were from official sources. Not having himself that intuitive knowledge of the subject which some gentlemen seemed to possess, he wished these documents to be printed that he might have an opportunity of examining them.

The message and documents were both ordered to be printed. The question was stated on printing 5,000 copies of the message—when,

On motion of Mr. Taylor, (at 6 o'clock nearly) the house adjourned.

Saturday, March 9. Mr. Kent presented the petition of sundry inhabitants of the District of Columbia, praying that a mode may be prescribed for ascertaining whether a majority of the inhabitants of that district are desirous of being re-invested with the rights of citizenship, and if so, in what manner that object can be best accomplished; which, on motion, was referred to the committee on the District of Columbia.

Mr. Poinsett, from the joint library committee, to whom was referred a letter on the subject of a collection of French medals, intended to have been presented to said library by G. W. Erving, esq., and which were lost at sea, made a report thereon, accompanied by the following resolution, which was twice read.

Resolved, by the senate and house of representatives of the United States of America, in congress assembled. That the director of the mint be, and he is hereby, instructed to cause a reasonable number of medals, commemorative of important events in the history of the United States, to be coined at such time as shall not interfere with the ordinary business of the mint, and to be sold at a price adequate to defray the expense of coining.

The resolution of Mr. Floyd, offered yesterday, requesting information on the subject of distributing rations among the Indians, was taken up and agreed to.

A message was received from the president of the United States, transmitting a report from the war department, exhibiting the annual return of the militia of the several states, their arms, accoutrements and ammunition.

A bill from the senate to establish a territorial government in Florida; and a bill from the senate concerning the navigation and commerce of Florida, were severally twice read and referred.

The unfinished business of yesterday was then taken up—being a motion, which was pending when the house adjourned last evening, to print 5,000 additional copies of the message of the president of the United States, recommending the recognition of the South American states.

On the suggestion of Mr. Chambers, that number of the documents were also ordered to be printed.

The house, in committee of the whole, took up the bankrupt bill—Mr. Randolph spoke against its passage for the space of two hours: Mr. Wright replied on the other side. The question on striking out the first section was taken; for it 59, against it 79. This appeared to determine the opinion of the house that a bankrupt law should be passed; and, thereupon, Mr. Tracy suggested an amendment. This occupied the time until nearly 4 o'clock, when the committee rose, had leave to sit again, and the house adjourned.

Monday, March 11. Mr. Lowndes, from the select committee to whom was referred the report of

the secretary of state on weights and measures, made a report, which shall be inserted hereafter.

Leave was asked and obtained for the absence of Mr. Randolph for the remainder of the session.

The house refused, 82 to 63, to consider a resolution which had for its purpose the fixing of a day on which the session should terminate.

After a variety of other proceedings, not necessary to notice just now—the house resolved itself into a committee of the whole on the bankrupt bill. Many proposed amendments were negative, and the committee proceeded so far with the bill as to pass through thirty-nine sections of it—when, it being 4 o'clock, the committee rose,—and, after some conversation, had leave to sit again.

Tuesday, March 12. Stephen Van Rensselaer, elected to supply the place of Solomon Van Rensselaer, appeared and took his seat.

Mr. Butler, from the committee on agriculture, made a report favorable to the petition of Anthony Dey and James McDonald, praying for encouragement by congress of their invention for the breaking and dressing of flax and hemp, &c. recommending a reference of the petition to the committee on the judiciary, with a view to an examination on the bearing of the patent laws; which was agreed to.

Many reports, &c. were received and disposed of for the present, not necessary to notice just now—and to be referred to hereafter as acted upon, &c.

Mr. Walworth laid on the table the following joint resolution:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled. Two thirds of both houses concurring, that the following amendment to the constitution of the United States be proposed to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid, to all intents and purposes, as part of the said constitution: "That until congress shall establish uniform laws on the subject of bankruptcy throughout the United States, it shall be lawful for the several states, or any of them, to enact bankrupt or insolvent laws, in the same manner, and with the like effect, as they might have done previous to the adoption of the constitution of the United States."

The house resolved itself into a committee of the whole on the bankrupt bill. Various motions to amend were made—most of them rejected and some agreed to, and the yeas and nays were called several times—all which, the result has rendered of little interest to our readers, and much speaking took place on ordering the bill to be engrossed for a third reading. At last—

The main question was ordered, and was put, on reading the bill a third time and decided as follows:

YEAS—Messrs. Allen of Mass. Baldwin, Barber of Conn. Bayly, Bigelow, Borland, Breckinridge, Burrows, Cambreleng, Campbell, of N. Y. Cauden, Cooke, Colden, Conkling, Crafts, Cushman, Darlington, Dennison, Durfee, Dwight, Eddy, Edwards, of Conn. Edwards, of Pa. Eustis, Farrelly, Findlay, Fuller, Gorham, Hawks, Herrick, Hill, Holcombe, Hubbard, Jones, of Tenn. Kent, Kirkland, Little, McCarty, Milnor, Montgomery, Moore, of Pa. Moore, of Va. Moore, of Ala. Neale, Nelson, of Mass. Patterson, of N. Y. Pitcher, Poinsett, Rich, Rochester, Rogers, Ruggles, Russ, Russel, Sawyer, Sergeant, S. Smith, J. S. Smith, Sterling, of Conn. Sterling, of N. Y. Stoddard, Taylor, Tod, Tomlinson, Tracy, Van Rensselaer, White, Whitman, Williamson, Wood, Woodson, Wright—72.

NAYS—Messrs. Alexander, Allen, of Ten. Archer, Ball, Barber, of Ohio, Basset, Bateman, Baylies, Blackledge, Blair, Brown, Buchanan, Borton, Butler, Campbell of Ohio, Cannon, Casady, Chambers, Condict, Connor, Cook, Cuthbert, Dane, Dickinson, Edwards of N. C. Floyd, Gilmer, Gist, Gross, Hall, Hardin, Harvey, Hobart, Hooks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones, of Va. Keys, Lathrup, Lefewich, Lincoln, Litchfield, Long, Lowndes, McCoy, McDuffie, McNeill, McSherry, Malbury, Matlack, Marston, Mattocks, Mercer, Metcalfe, Mitchell, of Pa. Michel, of S. C. Morgan, Murray, Nelson, of Va. New, Newton, Overstreet, Patterson, of Pa. Phillips, Pierson, Plumer, of N. H. Plumer of Penn. Reed of Mass. Reid, of Geo. Rhea, Ross, Saurds, Scott, Sloane, Arthur Smith, W. Smith, Alexander Smyth, Stevenson, Stewart, Swan, Swearingen, Tatnall, Thompson, Trimble, Tucker, of S. C. Tucker, of Va. Upham, Vance, Van Wyck, Walker, Walworth, Whipple, Williams, of N. C. Williams, of Va. Wilson, Woodcock, Worman—99.

So the bill was rejected.

And, at half past 5 o'clock, the house adjourned.

[The following shows the different states to which the gentlemen belonged, who voted on the bankrupt bill.

Maine	5 Ayes	2 Nays.
New-Hampshire	0	6
Massachusetts	8	4
Rhode Island	2	0
Connecticut	6	1
Vermont	3	3
New-York	18	7
New-Jersey	1	5
Pennsylvania	11	11
Maryland	6	0
Virginia	1	19
North Carolina	1	11
South Carolina	1	8
Georgia	0	5
Kentucky	3	6
Tennessee	2	3
Ohio	0	6
Louisiana	0	1
Illinois	0	1
Missouri	0	1
Alabama	1	0

72 99]

Wednesday, March 13. After disposing of some minor business, the house went into the consideration of the report of the select committee appointed to revise and alter its standing rules—which occupied the day until 5 o'clock, P. M.

We shall not give an account of all that was proposed and said—the matters are not of interest enough to our readers to detail, though some are important for the transaction of business in the house. A good number of little amendments were proposed by different members; as that—no person should wear his hat in the hall; that no member should read a newspaper or write or read a private letter in his seat, during the sittings of the house; that no one should smoke a segar [why not a pipe, also] in the hall or in the lobby—but all these things were rejected. The report of the committee was generally agreed to, but nothing to abridge long talking was adopted; though Mr. Mercer submitted an amendment to the second rule, the purport of which was, that, after a subject had been under discussion for three hours on each day of three successive days, in the house or in committee of the whole, a motion to adjourn, or rise and report, (unless the question shall have been decided), should not be ordered before 7 o'clock, P. M.

These matters were unfinished when the house adjourned.

THURSDAY'S PROCEEDINGS—MARCH 14.

In the senate. Mr. Macon's motion relative to brevet rank, was agreed to.

After debate—a motion was made to strike out the first section of the bill relating to the bank of the United States. Carried by yeas and nays—yeas 23, nays 19. The remaining section was ordered to be engrossed for a third reading. [This provides only for the punishment of frauds, &c. by the officers or agents of the bank.]

In the house of representatives. Mr. Walworth's resolution, proposing a constitutional amendment to restore to the states the power of enacting bankrupt laws, was considered, read twice and committed to a committee of the whole.

The speaker laid before the house a communication from the war department, transmitting a list of brevet officers, &c. as required by a resolution of this house; which was ordered to lie on the table.

After some time spent about the rules of the house, which were ordered to be printed as amended—some private bills were taken up in a committee of the whole, and disposed of.

On motion of Mr. Smith, of Md. the house then resolved itself into a committee of the whole, on "a bill to authorize the secretary of the treasury to exchange certain stocks."

The general object of the bill was to pay off the United States stock, bearing six and seven per cent. interest, by creating a new stock, bearing an interest at five per cent. redeemable at a future period.

Mr. Baldwin moved to amend the bill by inserting after the word "thirteen" in the 7th line, the words, "and also two millions of the six per cent. stock of 1820."

Much conversation, or debate, followed, and many gentlemen delivered their remarks on the subject—but the committee rose without a decision, and the house adjourned.

CHRONICLE.

Naval. In consequence of some misunderstanding among the naval officers at Boston, capt. Shaw has been placed under arrest, and will be tried by a court martial, of which capt. Tingey is to be president.

The U. S. ship Franklin and schooner Dolphin, left Rio Janeiro for Valparaiso, about the 25th December last.

Washington. The citizens of New York have resolved to erect an equestrian statue, in bronze, of the father of his country.

Molly Macaulay has received a pension from the legislature of Pennsylvania, for services rendered in the revolutionary war. She was a very brave soldier, and when under gen. Wayne, was accustomed to swing her sabre over her head, and huzza for "Mad Anthony," as she called the general. She held the office of a sergeant, and was wounded at the battle of Brandywine, which led to the discovery of her sex.

The marquis de Maison Rouge.—We are informed, that we overrated, in our last, the extent of the claim of the marquis de Maison Rouge. It amounts, we understand, to the precise quantity of 208,344 arpens, equal to about 175,000 American acres. We never examined the papers, and had heard that the extent of the claim was more than half a million of acres. Our later information gives the true amount, as above stated.

"The worm." It was accidentally discovered by Thomas Shields, esq. while residing at the Bay of St. Louis, where "the worm" is very destructive to the bottoms of vessels, or other wooden substances exposed to its ravages, that the *Sweet Gum* is not touched by this animal. To test the discovery, a small tree of this description was placed in the water, in the most exposed situation, where it remained four years, free from moss, barnacles, or any other excrescence,—no traces of the worm, except three or four small punctures of inconsiderable depth. This is considered as an important discovery.

Fires. After the recent destruction of some buildings by fire at Washington, Penn. the fall of a stack of chimnies caused the death of five persons and severely wounded three others—among whom were several gentlemen of the greatest respectability. Chimnies, thus left standing, are most dangerous, and generally fall when they become cold; it is the practice in cities to pull them down, to prevent calamities like that above stated.

A house was lately consumed in Westmoreland, Penn. It happened that the only persons in it at the time were three female children—one aged four years and two months, another two years and four months, and an infant in the cradle, about six months old. The eldest, being alarmed, went in pursuit of her mother; but had not proceeded far before she returned, and rescued her little sisters, though the pillow in the cradle was actually on fire. After this, she carried out several things that her feeble strength would allow of, before any aid arrived. The courage and presence of mind of this child excites our astonishment.

Bowdoin college, at Brunswick, in the state of Maine, was lately consumed by fire. The conflagration was so rapid that the students lost most of their clothes and books.

Appointments, &c. The following appointments have been recently made by the president of the United States, with the advice and consent of the senate.

Ashur Ware, to be district judge for the district of Maine, vice Albion K. Parris, resigned.

Andrew Hull, jr. to be marshal for the district of Connecticut.

William Dougherty, to be marshal for the district of Ohio.

Jeremiah Cuyler, to be district judge of the U. States, for the district of Georgia.

The following appointments, made by the president of the United States during the recess, have been confirmed by the senate, viz.

F. D. Fenwick, of Maryland, to be consul of the United States for the port of Nantes, in France.

Alexander Burton, of Pa. to be consul of the U. States for the port of Oporto, in Portugal.

John Godfrey Boker, of Ramscheid, to be consul of the United States for the Prussian provinces of the Rhine.

R. M. Harrison, to be consul of the U. States for the island of St. Bartholomews.

T. P. Devereux, to be attorney of the United States for the district of North Carolina.

Jesse Moore, *Daniel Bussard*, *Walter Newman*, *R. C. Weightman* and *James Ord*, of the District of Columbia, to be justices of the peace, for the county of Washington.

The following re-appointments of marshals have been made by the president, and confirmed by the senate.

Paul Bentalou, for Maryland district.

Morton A. Waring, for South Carolina.

John T. Mason, for Kentucky.

Eben. K. Dexter, for Rhode Island.

James Brobson, for Delaware.

Elias Glenn, is re-appointed to be United States attorney, for the district of Maryland.

The Susquehannah. The city councils of Baltimore have passed an ordinance to raise 50,000 dollars to improve the navigation of this noble river. A Huntingdon, Pennsylvania, paper, speaking of the importance of water communication, mentions that, exclusive of several keel boats on the *Juniata* river, (a fine branch of the *Susquehannah*) there are now preparing on the different navigable streams which pass through Huntingdon county, upwards of fifty arks, from 25 to 30 tons burthen, intended for the transportation of iron, wheat, flour, &c. during the spring freshets.

Juburn N. Y. Feb. 13.—Sundry individuals, connexions of Joseph Munger, esq. of Paris, Oneida county, lately met together at his house, and, while

sitting at the tea table, it was noticed that there were individuals of five generations present, and the one of the first generation held in her arms and fed the one of the fifth generation.

Virginia. The legislature of this state adjourned on the 4th inst. The editors of the "National Intelligencer" say that the editors of the "Enquirer" have been "deserted in their utmost need," because that legislature did not "discharge another battery of words at the general government."

¶ The opportunity is apt to say, that we were misinformed of the fate of Mr. Epps' resolutions, inserted in page 404 of the last volume. *They were not rejected.* On the contrary, it is believed that they would have passed, with some small amendments, if they had been called up; which the pressure of other business prevented.

Nothing of a decisive character was done in consequence of the Kentucky mission, about the "occupying claimants' law"—except that a commissioner was appointed to wait upon the legislature of Kentucky, at its next session, which is expected to take place in May.

Indianapolis is the name of the new seat of government of the state of Indiana. The sale of the lots took place only in October last—and there are already erected forty dwelling houses, besides workshops, &c. one grist and two saw-mills, and the population is considerable.

Tampa Bay, Florida. Mr. P. S. Chazotte has addressed a letter to the editor of the *Washington City Gazette*, in which he says—"I visited that bay in September last. Boca Grande furnishes from 7 to 12 fathoms water; and the average depth of water from Castor Key to 15 miles up the bay, in a north-east course, averages five fathoms. There is another entrance, between Castor and Pollux Key, which depth averages four fathoms at high water. Four considerable rivers, with very high falls on the Manatee, empty their water into this river."

LAUDABLE PROCEEDINGS. At a late meeting of a county convention, from Albany, the following preamble and resolution (with others) were adopted: Benjamin Knower, esq. being chairman and John McCarty, esq. secretary—

Whereas the practice of making certain appointments within the gift of the national administration, from among the representatives of the people, in the congress of the United States, by creating frequent elections, in order to supply the places of those who are induced to vacate their seats, in consequence of such appointment causing much expense and inconvenience to the public; and as it places such representatives within the reach of improper influences, may in time become dangerous to the rights and liberties of the people: And whereas, the constitution of this state, recently adopted, restrains any member of the legislature from accepting any office within the gift of the governor and senate, during the term for which he shall have been elected—

Resolved, That the senators from the middle district, and the members of assembly from this county, be requested to use their best endeavors to induce the legislature to recommend the adoption of an amendment of the constitution of the U. States, disqualifying any member of the national legislature from receiving any appointment, civil or military, under the government of the United States, except that of minister to a foreign power, during the term for which he shall have been elected.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 4—Vol. X.] BALTIMORE, MARCH 23, 1832. [No. 4—Vol. XXII. WHOLE No. 550

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We again offer to our readers a sheet well filled with interesting documents and papers. We did intend, before this time, to have commenced the publication of a selection of papers from the large volume of documents presented about certain late transactions in *Florida*,—but have thought it best to endeavor to keep up with the current of matter as well as we can, and leave that, and some other things, for *record* after the rising of congress; when room will be afforded to insert them in regular succession.

The late period of the week in which we received the important report of the committee on foreign relations of the house of representatives, on the message of the president respecting a recognition of the independence of certain late Spanish provinces in America, has caused the exclusion of some articles that were in type, and prevented the insertion of others laid off for publication: but we are very certain that this able and important state paper will afford more pleasure to our readers than any thing else that it was in our power to offer them. Its sentiment is, undoubtedly, in full accordance with the wishes of the American people.

☞ The papers regarding the commerce and navigation of the United States, inserted in this number, are highly interesting, though they do little to afford us an idea of what is the "balance of trade," as we may attempt to demonstrate hereafter. The late report of the committee of foreign relations to the senate, says "that the value of our exports exceeds that of our imports"—but it did not occur to the committee that the excess was made up of a commodity which may be called, if not the soul, at least the barometer of commerce—*specie*. If human life could be sustained by the loss of an ounce of brains, while the body of a man acquired an additional weight of half a pound of bread and meat, the *balance would be in favor of the system*—but none of us would be willing to have our "prosperity" shewn by such an excess of weight: and it is really strange that any one can believe our system to be a good one, while it acts as a drain of the precious metals, which we do not produce—when gold is at 6 or 7 per cent. above the silver, or ordinary currency of our country, and exchange on England at 15 per cent. advance.

PIRATES OF CUBA. The authorities of the island at length appear to be in earnest to break up the nests of wretches at Cape Antonio, &c. We have already mentioned that a number of the banditti had been killed or taken prisoners, by two parties despatched for the purpose. A number of others have since been brought in, and the captain and lieutenant of one of the gangs were promptly tried, convicted and shot. Of another gang, six were killed and fifteen made prisoners. The introduction of some goods that had been taken from a Boston schooner, led to the discovery of five persons—they were immediately sent to the prisons of Havana; of which city they were residents, young men of decent appearance.

HAYTI. By referring to the tables shewing the trade and navigation of the United States, inserted in the present sheet, it appears that the value of our imports from Hayti amounted to 2,264,257 dollars; and that of our exports was estimated at 2,270,601. If the exports are regarded, which should be chiefly attended to, it will appear that the trade with these blacks is more important, in amount, to us, than that of many countries in whom we have highly dignified ministers and agents.

To England, &c. we exported, in value \$18,464,703

France	5,526,139
Cuba	4,540,680
China, chiefly specie	4,390,560
Holland	3,694,265
Hayti	2,270,601

Or as much as to Russia, Prussia, Sweden, Denmark and Ireland. The trade employed 49,139 tons of shipping (entered), which was more than from any other nation, people, or territory, except England, British American colonies, and Cuba.

There is much matter for reflection on the facts here presented. It leads to a consideration of the real value of the foreign trade which engrosses so great a share of the public attention, and costs us so much money, pomp, parade and negotiation. It is as nothing to the *home market*. And the negroes of Hayti are more interesting to us, in a commercial point of view, than "legitimate" Russia, Prussia, Sweden, Denmark and Norway, Turkey, all the states of Italy, and half a dozen more "powers:" and, unless for commercial purposes, what have we to do with any of them?

A BAD BUSINESS. A gentleman of South Carolina, on exhibiting his zeal for the prosperity of this work in the most intelligent manner, says that his paper is "lent out to the town's people"—that he often has to "run a race over the whole village in quest of it." He adds, that for three weeks in succession, he has not received one REGISTER at the post-office, but found it in the hands of some person of the neighborhood: yet it seems that he generally gets it, after every body but its owner has read it. If the gentleman will give me leave to use his name, I will represent the fact to the post master-general, who, I am quite sure, will remove the deputy that is so regardless of his duty and his oath, if the facts shall appear as stated, of which I have no doubt; and I promise also, to prosecute the person, if I can get within striking distance of him.

ANOTHER BAD BUSINESS. From the *Democratic Press* of Monday last, addressed to the editor:—"In November last I accepted a draft for a customer of mine in the western country for the sum of \$500, which was discounted at the bank of the United States and becomes due to-morrow. Three weeks ago I received from my western friend *pension certificates* amounting to \$700, which should have been paid on the 4th instant, but are not paid because the bank will not advance the money to the government.

Quere? If my acceptance is protested, whose credit ought to suffer?

X. Y. Z.

The editor of the "Press," appears to have no difficulty about making up his mind who *ought* to suffer, but thinks that his correspondent would be the only loser by a protest. He says that "in any cases of much greater hardship have lately occurred in consequence of the shameful neglect of congress and want of liberality on the part of the bank."—But, may it not be that the bank has been so "liberal" in respect to other demands, of or against the government, as to have caused the directors to apprehend that they had been *liberal enough*?

CONSISTENCY. A gentleman in one of the eastern states—one of my best, because one of my most punctual subscribers, lately requested the performance of a little service on my part, which, being promptly attended to, may result in great benefit to him, as the manufacturer of a certain article that strikes more powerfully than, perhaps, any other at the amount of foreign goods imported. On putting his letter on file, I observed that the paper was beautifully marked with *Britannia*, reposing on a shield and surmounted with a *crown*. My first impression was, to retain the answer which I had just written to his letter, and, instead of it, to ask him how he could expect that *I* should give my aid to extend *his* manufacture, while he refused even to use the paper manufactured by his neighbor?—but I thought it probable that some *cunning* man might have given this paper a *royal* water mark to please his customers, as a certain person did to please the congress of the United States some years ago,* or that my correspondent did not notice it, even if really of British manufacture—and so I sent on the information desired, with a hope that he may profit by it, as well as by this hint about consistency.

FOREIGN NEWS—London papers of the 25th Jan. received at Philadelphia.

England, &c. 3 per cent. consols 75 7 8 3-4. The manufacturers of the north appear to be very busily employed; but great distress prevails every where among the agriculturalists, and many meetings have been held, and were holding, to petition parliament for relief by reducing the expenses of government, according to the alteration of the value of money, by abolishing sinecures, &c. &c. and also to reduce the rate of interest payable on the public debt. The difficulties of this class of people appear to be extreme. We have seen it stated that the whole surplus of a well-managed farm, will not satisfy the demands on the land for taxes, tithes and poor rates!—In consequence, many farms are without tenants. Those interested in the West India trade, on behalf of the colonists and themselves, are also making great efforts to obtain relief. It appears that the best worked estates will not keep their owners out of debt, from the low prices of sugar and rum. The *whole* net profit is now said to be only 12l. on a hhd. of sugar; and out of this the plantation, &c. is to be supported—hitherto the rum and molasses paid all the expenses and left the sugar as the surplus product for the planter. The total revenue of Great Britain for the year ending 5th Jan. 1822 "exclusive of property and unappropriated war duties," amounted to 50,931,705l. By the returns of education, it appears 159,581 children are receiving instruction at endowed schools, 415,561 in charity schools, and 401,087 in Sunday schools. Deaths in London (within and without the walls) for the year

ending 12l. D. c. 1821, 18,451; christenings 25,232. Of the deaths, 34 were executed, 32 suicides, and 222 of insanity. Ireland is yet greatly disturbed—murders and house-burnings are quite common in some parts of the country.

France. One frigate, and two corvettes have sailed with troops for Cayenne, &c. A ship has sailed from Marseilles for the Morea, with 60 officers to assist the Greeks—150 more were waiting an opportunity to embark; they are French, Italians and Germans. Some disturbances had taken place at Ibrist, between the garrison and the people, in which shots were exchanged. The latter endeavored to gain possession of the Chateau, but failed. Particulars not given.

The priests in France, in actual employment, amount to 35 286, of whom 14,870 are more than 60 years old; 4,156 were ordained during the last year.

Spain. It is asserted that the king has resolved to accept the resignation of his ministers. There is a report that *Riego* is dead—supposed to have been poisoned by certain priests.

Portugal. The cortes had discussed the subject and agreed to the propriety of establishing a national bank, with a capital equal to about 6,250,000 dollars, to be located at Lisbon, and have extensive privileges for 20 years, on condition of loaning the government two fifths of its capital at 4 per cent. It directs also that the plates shall be of the invention of the celebrated artist Perkins."

The cortes have established the *trial by jury*, in both criminal and civil cases.

Italy. The pope is said to have been at the point of death. It was understood that, in case of his decease, the archduke *Rodolph*, of Austria, made a cardinal about two years ago, would succeed to the chair.

Russia. Troops were still marching to the Turkish frontier 2,000 waggons, loaded with ammunition, were on the road. Many circumstances are mentioned to shew the prospect of immediate hostilities, which are generally regarded as being inevitable. It is possible that Alexander only delays for the purpose of providing means by which, as it were, he can instantly crush the Turkish power, and so prevent a massacre of the Greeks: but nothing is known of his determinations. All the Russians are anxious for war: and the emperor's brother, Constantine, is impatient to become "king of Greece," which is said to be promised him. But the London Courier says that there will not be any war between Russia and Turkey.

Turkey, &c. The export of arms and ammunition is prohibited at Malta, lest the Greeks should be supplied. The Turks having collected their forces in the neighborhood, attacked Jannina, and succeeded in making themselves masters of the eminences, but the main fortresses still remained in the possession of Ali. In the mean time, the Epirots were busy in capturing the forts in their country that yet remained possessed by the Turks. Prince A. Ypsilanti is at Perth, in Hungary, where he appears to be confined as a prisoner. The Turkish force in Moldavia and Wallachia is estimated at 80,000 men. Many old soldiers, from different parts of Europe, are repairing to Greece, to take a part against her enemies. The Samiens are said to have made a fifth descent into Asia minor, from whence they carried off a rich booty. The people of the Ionian islands are not only disarmed, but some of them, who had concealed arms, have been hung, by their British "protectors." Some of the

*A sheet of this, manufactured not far from the Capitol, is deposited among my curiosities.

British ministerial papers give us to understand that Turkey has agreed to the Russian ultimatum.

The following toast was lately drank by a large company at Liverpool—"May Turkey be well roasted by the fire of Liberty and well basted by Greece."

Colombia. Coro has fallen into the hands of the republicans—Porto Cabello is the only spot held by the royalists—which is about to be invested and must be taken. The independence of Quito is confirmed. The foreign officers and soldiers, who went out under generals Devereux and English, appear to be in much consideration. Liberal rewards have been granted for their services, and it appears that most of them will settle in the country—some have already become cultivators of coffee, &c. in the delightful country which they have assisted in the emancipation of. *Bolivar*, still "illustrious," has the best feelings towards strangers, and is anxious to strengthen the new government by introducing the arts through persons having a knowledge of them.

Commerce of the United States.

Extracts from or abstracts of the documents and papers accompanying the letter of the secretary of the treasury of the 23d January, 1822, in conformity to the act, entitled "An act to provide for obtaining accurate statements of the foreign commerce of the United States," passed 10th February, 1821—shewing the commerce and navigation of the United States for the year ending 30th September, 1821: all which make a ponderous pamphlet of 165 pages, besides many heavy tables. But the following, it is believed, will answer all general enquiries:

IMPORTS FOR THE YEAR ENDING 30th SEPT. 1821.

Articles free of duty. The entire value of these was \$10,082,313—of which \$1,987,195 was received in foreign vessels. The items were:

In gold and silver coin	\$7,980,000
Bullion	84,890
Copper, brass and tin in pigs & bars	246,328
Dye woods	76,020
Raw hides	892,530
Brimstone and sulphur	29,446
Furs, undressed	224,192
Plaster of Paris	141,369
Burr stones, unwrought	2,567
All other free articles	404,971

Ad valorem goods. The entire value of merchandise paying duties *ad valorem*, was \$30,894,917; of which \$29,118,313 was in American vessels, and \$1,776,604 was in foreign vessels. Of the value of merchandise imported paying *ad valorem* duties, \$25,775,845 consisted of manufactured goods in the following proportions, viz.

Woollen piece goods, cloths, cassimeres, worsted and stuff, blankets and rugs	\$7,238,954
Cotton piece goods, nankeens, hose, twist, yarn and thread	7,788,514
Silk goods	4,486,924
Linens, bleached and unbleached	2,564,159
Hempen goods	226,174
Brass and copper do.	386,356
Iron and steel, not paying specific duty	1,630,129
Glass ware	240,001
China, earthen and stone ware	663,883
Tin and pewter	20,343
Tin in sheets or plates	149,380
Writing and wrapping paper	58,137
Manufactures of gold, silver and precious stones	120,075
Hats, caps and bonnets	352,196

The entire value of merchandise paying *specific rates of duty*, imported in the same period, was \$21,608,494; of which \$20,312,468 was imported in American, and 796,026 in foreign vessels. The following statement embraces the quantity and value of each description of goods.

	Quantity.	Value.
Duck and sheeting	<i>pieces</i> 82,103	\$894,276
Wines	<i>gallons</i> 3,215,142	1,873,464
Spirits	<i>do</i> 8,658,150	1,804,798
Molasses	<i>do</i> 9,086,982	1,719,227
Teas	<i>pounds</i> 4,975,646	1,322,636
Coffee	<i>do</i> 21,273,659	4,489,970
Sugar, brown & white	<i>do</i> 59,512,835	3,553,582
do. candy, l'f & l'mp	<i>do</i> 2,866	313
Indigo	<i>do</i> 584,805	704,412
Cocoa	<i>do</i> 1,920,516	231,174
Candles, cheese, soap and tallow	<i>do</i> 4,565,995	464,619
Spices	<i>do</i> 2,636,169	310,281
Fruits	<i>do</i> 2,878,873	181,035
Cotton	<i>do</i> 691,039	140,616
Paints, ochre, &c.	<i>do</i> 4,769,766	322,568
Lead, pig, bar and shot	<i>do</i> 5,488,005	284,701
Cordage	<i>do</i> 931,697	107,867
Iron and steel wire	<i>do</i> 305,359	35,884
Iron, tacks, nails, anchors and sheet	<i>do</i> 3,588,504	145,711
Iron in bars and bolts rolled	<i>cwt.</i> 43,684	1,213,041
Do. hammered	<i>do</i> 343,694	
Do. in pigs	<i>do</i> 18,356	56,805
Do. castings	<i>do</i> 7,037	
Steel	<i>do</i> 11,570	151,291
Hemp	<i>do</i> 86,192	510,489
Salt	<i>bushels</i> 3,943,727	609,021
Coal	<i>do</i> 627,737	91,352
Glass black qt. bottles	<i>gr.</i> 10,147	107,354
Do. window	<i>100 sq. ft.</i> 8,824	
Boots and shoes	<i>pairs</i> 7,995	6,445
Cigars	<i>M.</i> 11,000	113,601
Beer, ale and porter	<i>galls.</i> 72,413	59,950
Oil, fish & olive in casks	<i>do</i> 56,943	51,680
Chocolate	<i>pounds</i> 1,326	419
Tobacco and snuff	<i>do</i> 2,350	647
Gunpowder	<i>do</i> 73,974	12,416
Bristles and glue	<i>do</i> 123,491	29,155
Copper and composition rods and spikes	<i>do</i> 37,892	9,050
Alum	<i>cwt.</i> 1,364	3,741
Copperas	<i>do</i> 1,829	1,581
Playing cards	<i>packs</i> 586	136
Fish, dried	<i>quintals</i> 346	13,186
Do. pickled	<i>barrels</i> 1,171	

Entire value of *ad valorem* do. \$21,608,499
Do. do. free of duty 30,894,917
10,082,313

Total importation of the year \$62,583,724
EXPORTS FOR THE YEAR ENDING 30th SEPT. 1821.

<i>The sea</i> , \$1,499,188.	
Dried fish, or cod fishery	\$708,778
Pickled fish, or river fishery, (herring, shad, salmon, mackarel)	264,813
Whale (common) oil and bone	350,480
Spermacetti oil and candles	175,117
<i>The forest</i> , \$3,794,341.	
Skins and furs	766,205
Ginseng	171,786
Lumber, (boards, staves, shingles, hoops and poles, hewn timber, &c.)	1,512,808
Oak bark, and other dye	139,534
Naval stores, (tar, pitch, rosin, turpen.)	314,660
Ashes, pot and pearl	889,348

Agriculture, \$35,407,992.

Beef, tallow, hides, live cattle	698,323
Butter and cheese	190,287
Pork, (pickled) bacon, lard, live hogs	1,354,116
Horses and mulés	59,830
Sheep	22,175
Wheat, flour and biscuit	4,476,357
Indian corn and meal	606,279
Rice	1,494,307
All other, (rye, oats, pulse, potatoes, apples, &c.)	173,543
Tobacco	5,648,962
Cotton	20,157,484
Flaxseed	420,202
Hops	18,498
Wax	85,654
Brown sugar	1,975

*Manufactures, \$2,262,622.**From domestic materials.*

Soap and tallow candles	661,409
Leather, boots, shoes, saddlery	304,430
Hats	63,363
Grain, beer, spirits	120,561
Wood, (including coaches and other carriages)	369,511
Cordage	26,662
Iron	108,083
Snuff and tobacco	149,083
Various items, (lead, linseed oil, spirits of turpentine, &c.)	24,044

Of foreign materials.

Spirits from molasses	280,648
Sugar, refined	24,051
Chocolate	2,166
Gunpowder	56,919
Brass and copper	26,694
Medicinal drugs	44,998

Uncertain \$707,751—Articles not distinguished in returns.

Manufactured	492,009
Raw produce	215,742

Total \$43,671,894

Of the growth, product and manufacture of FOREIGN countries, same time.—Merchandise free of duty, viz.

Copper, brass and tin, in pigs or bars	22,822
Bullion	90
Gold and silver coin	10,477,969
Dye woods	112,855
Raw hides	61,921
Brimstone and sulphur	935
Furs, undressed	7,839
Plaster of Paris	88
Burrstones, unwrought	153
All other articles free of duty	80,085

Total \$10,764,757

Merchandise paying duties ad valorem, viz.

Manufactures of woollen piece goods.	
cloths and cassimeres	229,785
worsted and stuff	102,572
blankets and rugs	46,895
Cotton piece goods.	
printed and colored	379,701
white	320,302
nankeens	874,608
woollen and cotton hose	2,350
cotton, twist, yarn and thread	6,532
linens, bleached & unbleached	245,848
silk goods	1,057,233

hempen goods	26,516
brass	961
copper, or of which copper is the material of chief value	5,194
iron and steel, other than that paying a specific rate of duty	164,306
wares, glass do do	45,583
china	7,804
earthen and stone	31,049
tin and pewter	4,018
paper, writing & wrapping	10,189
gold, silver & precious stones	67,395
hats, caps and bonnets	9,967
Unmanufactured copper, subject to a duty of 15 per cent.	6,085
tin in sheets or plates	10,291
All other articles paying an ad valorem rate of duty	939,916

\$4,595,090

Merchandise paying specific rates of duty.

Duck and sheetings	\$423,950
Wines	240,929
Spirits from grain	30,137
Do. other materials	135,028
Beer, ale and porter	4,615
Oil, olive, in casks	2,046
Molasses	11,232
Teas	242,372
Coffee	3,087,479
Cocoa	228,219
Sugar, brown and white	1,549,185
Do. candy, loaf and lump	143
Fruits	15,373
Candles, cheese, soap and tallow	32,381
Spices	236,072
Indigo	416,968
Cotton	104,255
Snuff	782
Gunpowder	6,708
Bristles and glue	2,112
Paints	8,444
Lead, pig, bar and shot	11,276
Cordage	16,646
Copper and composition nails and spikes	3,616
Iron and steel wire	440
Iron, tacks, nails, anchors and sheet	14,291
Do. in bars and bolts, rolled	} 61,132
Do. do hammered	
Do. castings	
Steel	16,088
Allum	41
Copperas	28
Coal	2,450
Salt	15,321
Fish, dried and pickled	3,066
Glass, black quart bottles and window	2,751
Boots and shoes	2,224
Cigars	13,935
Playing cards	520

Value of merchandise paying specific rates of duty	5,042,641
Do. do. free of duty	10,764,757
Do. do. paying ad valorem rates of duty	4,595,090

Total value of foreign produce	21,302,488
Do. domestic do.	43,671,894

Total value of domestic and foreign produce	\$64,974,382
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Statistical view of the commerce of the United States, exhibiting the value of articles of every description of IMPORTS from, and the value of articles of every description of EXPORTS to, each foreign country; also, the tonnage of American and foreign vessels arriving from, and departing to, each foreign country, and the tonnage belonging to each foreign power employed in the commerce of the United States, for the year ending 30th September, 1821 [See note below.]

	Value of imports	Domestic exports.	Foreign exports.	Total value of domestic and foreign produce exported.	Tonnage entered.	
	DOLLARS.	DOLLARS.	DOLLARS.	DOLLARS.	Ameri-can.	For-ign.
					Tons.	Tons.
Russia	1,852,199	127,939	500,955	628,894	13,827	..
Prussia	1,399	..	..	..	..	726
Sweden	759,753	154,213	62,968	217,181	10,772	1,188
Swedish West Indies	611,116	507,077	53,149	560,226	13,083	863
Denmark and Norway	16,156	163,568	360,535	526,103	1,421	..
Danish West Indies	1,983,574	1,316,296	485,483	1,801,779	39,407	1,689
Holland	1,938,953	1,954,513	1,739,692	3,694,205	25,851	1,403
Dutch West Indies and Am. colonies	860,950	533,259	149,784	683,043	16,468	422
Do. East Indies	134,369	133,010	1,581,803	1,714,813	1,597	..
England, Man and Berwick	23,180,862	16,339,109	2,125,594	18,464,703	112,053	39,024
Scotland	1,220,092	1,405,448	13,683	1,419,131	4,737	7,232
Ireland	686,154	889,577	4,069	893,646	9,479	3,018
Gibraltar	1,234,263	956,111	513,635	1,469,746	11,231	435
British African ports.	6,581	9,953	5,013	14,966	376	..
Newfoundland and British fisheries	213	260	4,478	4,738	448	..
British East Indies	1,530,799	52,089	1,934,190	1,966,279	4,548	..
Do. West Indies	927,346	264,632	470	265,102	32,631	..
Do. American colonies	490,704	2,009,336	455	2,009,791	110,821	405
Other British colonies	924	12,113	2,357	14,470	796	..
The Hanse towns and ports of Germany	990,165	1,535,506	597,038	2,132,544	14,524	4,180
French European ports on the Atlantic	4,493,917	5,098,843	349,010	5,447,853	11,431	11,273
Do. do. do. Mediterranean	496,023	69,855	10,851	80,706	3,700	838
Do. West Indies and Am. colonies	900,616	846,597	49,838	896,435	41,729	..
Do. East Indies	..	5,784	1,784	7,568	..	..
Bourbon and Mauritius	10,022	19,600	22,556	42,156	194	..
Hayti	2,246,257	1,740,383	530,218	2,270,601	49,139	980
Spanish European ports on the Atlantic	254,025	324,706	189,900	514,606	6,585	..
Do. do. do. Mediterranean	288,368	24,225	915	25,140	4,747	563
Teneriffe and the other Canaries	265,089	74,828	48,637	123,465	2,329	..
Manilla and Philippine islands	114,861	1,359	209,964	211,323	742	..
Florida	189,730	300,248	49,522	349,770	9,032	458
Honduras, Campeachy, &c.	216,075	99,995	106,830	206,725	5,111	246
Cuba	6,584,849	2,950,055	1,590,625	4,540,680	106,826	4,478
Other Spanish West Indies	626,616	175,217	33,604	208,821	14,320	63
Spanish South American colonies	1,114,117	508,176	529,559	1,037,735	13,838	603
Portugal	356,116	147,726	66	147,792	19,678	1,015
Madeira	190,289	193,414	26,667	220,081	4,140	148
Fayal and the other Azores	137,982	26,837	11,158	37,995	2,287	..
Cape de Verd islands	64,036	22,176	7,656	29,832	5,038	92
Brazil and other Port'ese Am. colonies	605,126	885,348	496,412	1,381,760	10,599	..
Italy and Malta	973,463	410,171	689,496	1,099,667	6,573	..
Triest and other Aus'n ports on Adriatic	229,792	31,781	308,580	340,361	2,018	..
Turkey, Levant, Egypt, &c.	395,680	30,683	406,997	377,880	1,661	192
China	3,111,951	388,535	3,902,025	4,290,560	5,622	..
Asia, generally	123,221	52,467	1,180,797	1,213,264	1,532	..
West Indies, do.	3,727	513,039	47,474	560,513	216	..
Europe, do.	..	183,854	10,782	194,636	261	..
Africa, do.	129,943	85,062	41,629	126,691	1,037	..
South Seas	34,428	40,328	31,080	71,408	10,643	..
North West coast of America	..	94,493	282,505	376,998	..	..
Uncertain ports, places, &c.	3,832	..	..	..	..	..
Total,	62,585,724	43,671,894	21,302,488	64,974,381	765,098	81,526

[The necessity of forcing the table into the size of our page, has caused an exclusion of the columns that shew the value of imports or exports, as received or sent forth in American or foreign vessels, and also the amount of foreign tonnage departing. But the following abstracts will serve all ordinary references.

Of the imports—the value of 58,025,899 dollars was received in American, and 4,559,825 in foreign vessels. Of the entries of foreign tonnage, 55,183 was British, 6,024 Hanse towns, 5,336 Swedish, 4,580 Spanish, 4,037 Danish, 1,916 French, 931 Prussian, 370 Haytian.

Of the exports—Domestic produce: the value of \$34,465,272 was exported in American vessels, and 9,206,522 in foreign: of foreign articles—20,710,700 in American, and 591,782 in foreign vessels.

TONNAGE. To save a whole page, we have added two columns to the preceding table to shew the amount of domestic and foreign tonnage that entered the ports of the U. States during the year which ended on the 30th Sept. 1821. This, we presume, will be amply sufficient to shew the general result of our navigation. The amount of tonnage that departed is commonly about the same as that which entered, except in the cases noted below,—for the use of those who seek minute information on the subject; and, by comparing these items with the corresponding entries in the two last columns of the table, every remarkable difference in the amounts will appear. In cases where the fact is not otherwise stated, American tonnage only, is alluded to—and the amount of foreign that departed is left to be inferred by the amount that entered.

Departed. For Russia 4,521 tons; Sweden 1,616; Swedish West Indies 20,774; Denmark and Norway 4,142; Danish West Indies 46,299; Dutch East Indies 5,610; England, &c. 128,729, Am. and 19,546 foreign; Ireland 12,812; Gibraltar 20,954; British East Indies 22,083; Hanse towns, &c. 17,308; *French ports on the Atlantic* 798 *American, and* 36,392 *foreign; ditto, on the Mediterranean* 316 *Am. and* 593 *foreign;* Hayti 46,171; Spanish ports on the Atlantic 8,664; do. on the Mediterranean 1,174; Portugal 5,106; Madeira 8,082; Cape de Verds 825; Brazil, &c. 22,264; Italy and Malta 8,802; Asia, generally, 5,423; West Indies, generally, 17,623; Europe, generally, 2,294; South Seas 17,968; North West coast of America 4,298.

The only very remarkable or important things to be derived from a comparison of the departures with the entries, have respect to our trade with Russia, Sweden, France, Brazil, the South Seas and North West coast—in which the differences are great. From France, it appears that there arrived about 22,500 tons of which one half was American; and there departed about 37,000 tons, of which more than 36,000 were foreign. This shews us the operation of the restrictive regulations of the two countries in respect to navigation; and it seems like a contention “to do one another the most harm,” for the benefit of other nations: yet we must believe that our government is right in its proceedings in the case. There cannot be justice without reciprocity.

GENERAL SUMMARY.

The amount of our imports has been already stated at \$62,586,724
And that of our exports at 64,974,382

Of our imports, we derive from Great Britain, her colonies and dependencies, including the East Indies, goods to the value of 29,277,938
From France and her dependencies, 5,900,581
From Spain and her dependencies (of which Cuba alone furnishes 6,584,849), 9,653,728
From China, 3,111,195
From Holland, including her West India and American colonies, 2,934,272
From Hayti, 2,246,257
From Denmark and her West India colonies, 1,999,730
From Russia, 1,852,199
From Sweden and her West India colonies, 1,369,869
From the Hanse towns 990,165
From Italy and Malta, 973,463
Which, with various small importations from other places, make up the above amount.

Our exports are, to G. Britain and her dependencies, in domestic produce,		\$21,918,628
In foreign do.	4,603,944	\$26,522,572
To France, &c.	6,041,000	6,475,039
	434,039	
To Spain, &c.	4,458,709	7,209,275
	2,750,566	
To Holland, &c.	2,620,782	6,092,061
	3,471,279	
To China,	388,535	4,290,560
	3,902,025	
To the Hanse towns,	1,535,506	2,132,544
	597,038	
To Denmark, &c.	1,481,864	2,327,882
	846,018	
To Portugal, &c.	1,275,501	1,817,560
	541,959	
To Asia generally,	388,535	1,569,352
	1,180,797	

Which, with other small items, make up the amount of exports.

The largest items in the imports were—

Specie and bullion,	8,064,890
Value of manufactures of cotton,	7,239,790
woollen,	7,238,954
silk,	4,486,924
linen,	2,564,159
iron and steel,	3,212,141
21,273,659 lbs. of coffee,	4,489,970
59,512,835 lbs. of sugar,	3,553,582
wines,	1,873,464

The largest items of export were—

Cotton,	20,157,484
Specie,	10,478,000
Wheat, flour, Indian corn and meal,	
rye, apples, &c.	9,075,217
Tobacco,	5,648,962
Coffee,	2,087,479
Sugar,	1,549,185
Silks,	1,057,233

Statement, exhibiting the quantity of tonnage entered and cleared in and from the respective states and territories, during the year ending on the 30th September, 1821.

STATES, &c.	TONNAGE.			
	American vessels.		Foreign vessels.	
	Entered.	Cleared.	Entered.	Cleared.
Maine	71,700	111,854	883	520
New Hampshire	9,506	8,237		
Massachusetts	158,891	129,741	1,605	1,170
Vermont	1,019	901	80	40
Rhode Island	22,808	21,314	143	107
Connecticut	15,464	14,749		
New York	156,493	158,174	13,856	10,720
New Jersey	250	231		
Pennsylvania	70,679	69,436	4,162	3,641
Delaware	4,081	2,333		
Maryland	67,504	61,687	5,489	4,677
District of Columbia	12,546	15,035		
Virginia	27,004	33,545	4,598	6,483
North Carolina	29,904	37,343	293	109
South Carolina	30,524	45,342	18,745	19,525
Georgia	24,075	41,468	11,239	14,666
Mississippi	6,235	4,197	336	419
Louisiana	54,802	49,115	19,919	20,904
East Florida	272	190	178	92
West Florida	341			
Total,	765,092	804,947	81,526	83,073

Weights and Measures.

*In the house of representatives of the United States,
March 11—*

Mr. Lowndes, from the committee to whom was referred the report on weights and measures, made by the secretary of state, on the 22nd Feb. 1821, made a report, accompanied by a joint resolution, as follows—

REPORT—That so comprehensive a view has been given in the document referred to them, of the origin and history of the measures and weights, now in use in the United States, and so full an examination of the different proposals which have been made for their improvement, that they deem it scarcely necessary to do more than to submit the resolutions which they think it expedient that congress should pass at this time. Their object is only to "render uniform and stable the measures and weights, which we at present possess."

To effect this, they propose that the president shall cause application to be made to the English government, to allow models of the yard, the Winchester bushel, wine gallon and pound, (avoirdupois) to be procured from its officers. For the purpose of easy and perfect comparison, it may be well that the yard should be traced upon the rod of platina in the possession of the department of state on which is traced the French metre. These models should be made with the utmost accuracy which the art and science of England can give, and if satisfactory to congress, should be declared the standard yard, bushel, liquid gallon, and pound of the United States. There is some difference of opinion as to the material of which the standards shall be formed. The committee will not detain the house, by a full exposition of the reasons which lead them to conclude that, at least, the standards of length and weight should be of platina, as the material on which time is found to produce the smallest change. The secretary of state, who adopts an opposite opinion, has said that "the very extraordinary properties of platina, its unequalled specific gravity, its infusibility, its durability, its powers of resistance against all the ordinary agents of destruction and change, give it advantages, and claims to employment as a primary standard for weights, measures and coins to which no other substance in nature has equal pretensions. Should the fortunate period arrive when the improvement in the moral and political condition of man, will admit of the introduction of one universal standard, for the use of mankind, it is hoped and believed that the platina metre will be that standard."

But it is the immutability of platina recommends it so strongly as a standard for all nations, and all times, can hardly be amiss to adopt it, for the intervals which may elapse before the universal adoption of a natural standard. This interval the secretary and the committee may be willing to shorten, but it seems likely to last so long as diversities of laws, and language among men. If the standard found shall be of platina, it must of course be made equiponderent with the English pound in vacuo, and the same means must be used in making the models of weight which are intended for distribution among the states. The standard of measures of capacity must probably be of copper or brass, and the careful preservation of all the standards may be provided for, in the laws which shall establish them. The committee think it best that they should be kept in the department of state, and used only to verify the models which may be issued under the authority of government.

The committee believe that by distributing accurate copies of these standards among the states, the present inequality of weights and measures will be so far removed, as to leave little practical inconvenience in that regard. They propose that the president shall cause to be procured such a number of copies or models of these standards of weight and measure, (with their most convenient multiples and divisions), as may be necessary to allow one model of each standard to be lodged with the clerk of each district court of the United States, and one to be given to each state and territory, to be disposed of as its legislature may direct. The most convenient material for those copies will probably be copper or brass; but the determination of this question may best be referred to the authority which shall procure them.

It is believed that no other obligation will be required to enforce, on the part of the officers in the service of the United States, the use of weights and measures, conformed to the standards established by law, than that which a sense of duty and a dependence upon the government for their continuance in office, must produce. The committee think it best that congress, after providing the standards of weights and measures, and furnishing models of them to every state, should leave it to the laws of the several states to enforce their use by persons who are not in the service of the United States. In the custom houses and land offices the measures and weights may be provided from the same funds, and under the same authority, which have been hitherto employed. The committee suppose it necessary only to provide for such a distribution of models as may make it easy to verify the weights and measures, which may be used by either public officers or in private transactions. It was proposed by a former committee of the house of representatives, in a report made in Jan. 1819, that the relations between the different standards should be accurately ascertained and declared in the law which should establish them. It was observed that "the determination of the proportions between lineal measures and measures of capacity, and between both these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and, possibly, of weights in common use. For this purpose it would perhaps be convenient to establish, not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions, whose correctness might be ascertained by the common measures of length.

But the relations between the standards cannot be ascertained with that absolute certainty which should be exacted in a law fixing permanent standards. The calculation of the dimensions of vessels of capacity is found, even by the most practical artists, to be so uncertain, that they rely entirely upon the trials by the weight of water which they contain. It is of some importance that the forms of measures of capacity, which are used in commerce, should be left to depend upon the material or the art which it is found most convenient in the different parts of our country, to employ. And, in fine, those relations and dimensions which is useful to know, will be ascertained by philosophical inquiry, and published in books of easy reference. Indeed they have been so.

The committee have proposed to establish but one standard of weight. It will be necessary that accurate models of the grain and its usual multiples should be proved to verify the weights which are used for the precious metals and for medicine.

The law which shall establish the standard pound, may declare the grains to be the seven thousandth part of the pound, as frequent and careful examination has shewn it to be.

The committee submit the following resolutions:

Resolved, by the senate and house of representatives of the United States of America in congress assembled. That the president of the United States be requested, (if consent of the government of Great Britain shall be given thereto), to cause to be traced on a rod of platina, the yard of the year 1601, which is kept in the British exchequer; to cause to be made of platina a pound of the weight in vacuo of the English avoirdupois pound, and that he also cause to be made, of whatever material he shall deem best for standards of those measures, a vessel of the same capacity as the standard Winchester bushel; and also a vessel of the same capacity as the standard wine gallon of England.

Resolved, That the president be requested to cause to be made for distribution among the states and territories, and for the purpose of verifying the weights and measures used therein, models of the yard, on which shall be traced its divisions of feet and inches; models of the bushels, half bushel, quarter bushel, or peck, thirty-second part of a bushel, or quart; models of the wine gallon, of the wine quart and pint; models of the pound, half pound, quarter pound, of the 16th of a pound, or ounce, of the seven thousandth part of a pound, or grain; models of the penny weight, or twenty-four grains, of the scruple or twenty grains, and of the apothecaries dram, or sixty grains; models of the weight of twelve and half pounds, of twenty-five pounds, of fifty pounds, and of one hundred pounds; that these models of weight and measure, be formed with the utmost exactness from the weights and measures procured under the authority of the foregoing resolution, and that the number to be procured of each model shall not exceed ———.

Ordered to lie on the table, and be printed.

British West Indies.

Among the proceedings of congress will be found a report of the committee of foreign relations of the senate, in respect to the restrictions imposed on the trade between the United States and the British West India colonies. To put our readers in possession of another view of the subject, we present them the following petition of the assembly of Jamaica to the king—which represents the wants and wishes of that important colony in very forcible terms.

St. Jago de la Vega, Dec. 22, 1821.

The following address to his majesty, passed the honorable house of assembly on the 12th inst, and has been forwarded by the packet:

JAMAICA, SS.

To the king's most excellent majesty,

The humble petition of the assembly of Jamaica.

"We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, humbly present to your majesty's consideration, a statement of the distresses which afflict this colony, and which, we cannot but apprehend, will increase to its destruction, unless through your majesty's paternal interference a timely remedy is applied. We lament the necessity of detailing grievances so lately complained of; but the pressure of unmitigated and unredressed suffering, compels us to implore the royal attention to interests, which though remote, materially concern the national welfare. The principal staple commodity of the West Indies, (sugar) is

now reduced to a price so low, as to be, in most instances, inadequate to pay the duties to your majesty's revenue, the charges incurred in Great Britain, and the expenses of cultivation. The planter, debarred from the hope of profit, sees his industry requited by accumulating debt, and the prospect of utter ruin to himself and his creditors. The present state of the British market will give the price of fifty-seven pounds for one ton of sugar of moderate quality. Of this sum, twenty-seven pounds are paid for customs, fifteen pounds are deducted to defray the freight, and other British charges, and the small portion of fifteen pounds, (not amounting to three-elevenths of the gross produce) remains to the colonist, as the share to which he is considered entitled, to reward his labor and risks, pay the annual expenses of his establishments, and the profit upon the large fixed capital he necessarily employs. No assistance is now afforded by the manufacture of rum, to defray the yearly contingencies of a sugar estate; the market price of that article being unequal to pay the cost of manufacture and other expenses. An over supplied market is, we fear, not a temporary but an advancing evil." The importation of sugar from the East Indies for home consumption has for the last seven years, been increasing, and still continues to increase. The additional duty imposed upon sugar imported from the East, has been proved by experience to have been estimated upon fallacious grounds, and not to have attained the object of full protection to the produce of the West India colonies. The inhabitants of this island humbly press upon your majesty's attention, the injustice towards the old colonies, of any invasion of their right to an exclusive trade to the mother country, in the productions of their soil. By the colonial system, established by England for her own aggrandizement, British shipping and British seamen are exclusively employed in our commerce. No article of European growth or manufacture can be purchased unless imported from the mother country, which obtains the benefit of the carrying trade, for our supply and double freights, the colonies being burthened with the increase of charge. The whole of our produce is, by the same system, sent in British shipping to the markets of the mother country, and a nett revenue of three million and a half of duties on sugar alone, is paid to support the government. The value of this intercourse is felt not only in what is received from the colony, but in what the colony makes the parent state produce in the encouragement of her manufactures, the increase of her population, and the employment of her seamen.—Are we not entitled to an advantage in return of this code of prohibition, restraint and taxation? The privilege of exclusively supplying the mother country with our staple commodities, is the equivalent which has had the sanction of long time and mutual recognition, and a ratification which has been designated as more solemn than any which an act of parliament could confer. We see with dread the infringement of this compact. The introduction of sugar from the East is an innovation of comparatively small advantage, and much less is it indispensable to that part of the empire, but it will ensure the destruction of this.

The British colonies felt the injury of the foreign slave trade, being still pursued with unabated ardor. The markets of the continent are nearly engrossed by the produce of foreign colonies cultivated by laborers cheaply procured from Africa. And at the same time, the continuance of the war

duties, and the insufficient drawback allowed upon the exportation from Great Britain, of sugar of the British West Indies, have the effects of a bounty upon the cultivation of foreign settlements, and a check upon those of England.

Our supplies from the United States of America of lumber and provisions, which are essentially serviceable to aid the natural defects, or the fail-ures of our climate and soil, are straitened by the total interruption of that trade. The regulated and limited commerce which the laws of trade and navigation permitted in British ships, is denied to us by the retaliatory system of the United States. Provisions, the growth of the United States, travel to us when introduced, by a double voyage and at an expense unnecessarily enhanced. By this policy, the subjects of your majesty are stinted in their supplies, and are taxed, while the benefit is conferred on the ships of Spain and America, and on Spanish ports. A new system of intercourse upon the basis of mutual benefit, *permitting the importation in American bottoms of the products of the United States*, and the exports of our staple commodities in return, would afford an important relief to the distresses of your majesty's colonies, and have the advantage of opening to British ships a trade from which they are now excluded, and it may not be irrelevant here to observe, that the Americans have a free trade for sugars to the East Indies, while they are precluded taking any from us.

The discouragement of our industry, our crippled resources, the difficulty of raising the means in addition to our large contribution, to the revenue of the empire, for supporting the troops sent for our defence, and for defraying the other expenses of our insular establishment, are grievances which threaten our entire ruin. We approach your majesty's throne with a confidence that relief will be found, and that your majesty's ministers will receive your royal command to propose to the consideration of parliament such measures as may restore your loyal subjects to prosperity.

Passed the assembly the 21st day of December, 1821.

(Signed) DAVID FINLAYSON, Speaker.

Seventeenth Congress—first session.

IN THE SENATE.

March 15. The bills to amend the charter of the bank of the United States, and to define admiralty jurisdiction, were severally read a third time, passed and sent to the house of representatives.

Mr. Thomas made an unfavorable report on the petition of some persons seeking a grant of land in Florida, to establish a colony to cultivate coffee, olives, vines, &c.

Mr. King, of New-York, from the committee on foreign relations, to which had been referred a memorial from South Carolina and one from Baltimore, praying a repeal of the restrictions on the West India trade, made the following report:

The committee on foreign relations, to whom were referred the memorial of R. Appleby and others, of the Colleton District, South Carolina, and the resolutions of the chamber of commerce of the city of Baltimore, praying for the repeal of the laws closing the ports of the United States against British vessels employed in the trade between the United States and the British colonies in the West Indies, report:

That, referring to the period between the completion of the revolution and the adoption of the

constitution, it cannot be doubted that the embarrassments of the agriculture, trade, and navigation of the several states were truly ascribed to the want of power in congress to make adequate laws for their encouragement and protection; and no motive in favor of the adoption of the constitution, was more strongly or more generally felt than the opinion, that the vesting of power in congress to regulate trade, would serve to promote the welfare and prosperity of the union.

The new government, under the constitution, very soon experienced the influence created by the extraordinary changes that were taking place in France, and which, in the sequel, engaged all Europe in arms.

War between the great maritime powers invariably produces temporary relaxations of their laws respecting the trade and navigation of foreign nations with their respective territories. The suspension of these laws, and especially of such of them as regulated the colonial trade, had the effect of giving to the agriculture, trade, and navigation of the United States, the advantages which would have been given to them by a system of free trade, that should have for its basis the equal and reciprocal benefits of all nations.

The condition of neutrality that was adopted by the United States during the wars of the French revolution, secured to every commercial nation benefits which a peaceable and industrious people are able to afford during periods of great public calamity; and our example during these wars, has served to prove that justice is the most profitable, as well as the wisest policy of nations.

Since the establishment of the general peace, some of the maritime nations, notwithstanding the doubts that have been raised in regard to the truth of the former theories of trade, have returned to and resumed their ancient commercial policy; and, in consequence thereof, the United States have, in their own defence, been obliged to resort to the exercise of the powers to regulate trade vested in congress, for the purpose of protecting and cherishing the industry and navigation of the states.

Great moderation has been observed by the United States on this subject, and persevering endeavors have been made to adjust, by treaty, their commercial intercourse with foreign nations, and especially with England.

So far as respects the English territories in Europe and in Asia, the intercourse is arranged by the treaty of 1815; but this treaty contains no provision concerning the navigation and trade between the United States and the English colonies in the West Indies and North America. The value of this branch of trade, and the importance of the navigation employed in the same, have been long understood by both parties, and the actual embarrassment thereof, which now exists, cannot be ascribed to the want of a disposition on the part of the United States to have placed the same on a fair and friendly footing; but it continues to be insisted on by England, that not only the colonial trade, but the trade between the United States and these colonies, ought to be considered and regulated as a monopoly, and that foreign nations are bound to respect, and with which they may not interfere.

The act commonly called the navigation act of England, while it reserves the colonial navigation exclusively to the vessels of England and her colonies, opens the trade between England and foreign nations to the vessels of both, subject to equal and the same regulations.

The colonial, like the coasting trade, has been treated as a monopoly, so long as the same was confined to the navigation between territories of the same nation; but, whenever it may suit the convenience of a nation to open a trade between her colonies and a foreign nation, the claim to treat this trade as a monopoly is without just authority, being contrary to the rights of such foreign nation, which, within its own dominions, must possess authority to make such regulations as may be deemed expedient.

It is an unwarrantable extension of national monopolies, by *ex parte* laws, to attempt to include the navigation of a foreign nation within the rules by which the navigation between portions of the same nation is governed. If this may be done between the colonies and a foreign nation, it may also be done in respect to the navigation between any other portion, or the whole of the territories of such nation and foreign nations.

England allows the importation of lumber and bread stuffs, from the United States into the colony of Jamaica, but forbids the same, unless the importation be made in English vessels; she also allows the importation of cotton and tobacco from the United States into England, but, with equal right, she may forbid the same, unless the importations be made in English vessels. This has not been done in the latter case, and there would be but one sentiment in the United States should it be attempted—yet, in the former case, this is, and has been, the law ever since the date of our independence, and it may, with equal right, be applied to Liverpool as to Jamaica.

After long endurance and fruitless efforts to adjust this question by treaty, congress, with great unanimity, have passed laws to countervail the restrictions imposed by England upon the intercourse between the United States and her colonies in the West Indies.

England, having forbidden the importation of supplies from the United States into her West India colonies in American vessels, the United States, in their turn, have forbidden the exportation of these supplies in British vessels: the two restrictions have put an end to the direct intercourse, and the trade is carried on indirectly; the supplies for these colonies being carried in American vessels from the United States to the Swedish and Danish Islands, and the produce of the English West Indies being brought in English vessels to the same islands, and there exchanged for the provisions and lumber of the United States. American supplies are also sent in American vessels to the free port of Bermuda, and there sold for cash; and flour, in like manner, is sent from the United States to the Island of Cuba, as well as to the port of Liverpool, and from these places, carried in English vessels to Jamaica and other English colonies in the West Indies. In this condition of our navigation and trade, our tonnage continues annually to increase, and the value of our exports exceeds that of our imports.

In countries of great extent, and whose productions are various, though the people are generally employed in similar occupations, new regulations may, for a time, affect some portions of the country more than others; but every portion soon accommodates itself to the new regulation, and the advantages and disadvantages are, in a short time, certain to be equalized by the entire freedom with which every branch of industry is prosecuted.

It was on account of this diversity of products, and of the different manner of doing business in

the several states, that jealousies formerly existed between them, which defeated every attempt to establish any common regulation of trade under the confederation—the want of American tonnage, sufficient to create the requisite competition in the exports of the country, added to the difficulties of this period.

But as the national tonnage is now fully sufficient for the national exports, and as congress have offered to all nations a system of entire equality and freedom, in the commercial intercourse between them and the United States, the time has come in which it has been thought to be due to the welfare and character of the United States to countervail the regulations which so long, and so much to our disadvantage, have been imposed by England on the trade and navigation between the United States and her West India colonies.

This national measure, so long called for to protect the ships and seamen of the United States, was calculated to awaken the remnant of local jealousy that may still exist among us, against the influence of which we may with confidence, appeal to the character and necessity of the law.

By the exclusion of English vessels, American vessels are employed in their place, and whatever is lost to the former is gained by the latter. By revoking the countervailing laws, we take away the profits now enjoyed by American vessels, and give them back again to the vessels of England, and, in so doing, grant a bounty to foreign ships at the expense of our own.

Navigation and maritime industry, for a peculiar reason, call for national protection: for the art of navigation is an expedient of war, as well as of commerce; and, in this respect, differs from every other branch of industry. Though it was once doubted, doubt no longer exists, that a navy is the best defence of the United States—and this maxim is not more true than that a naval power never has existed, and can never exist without a commercial marine; hence, the policy of encouraging and protecting the ships and seamen of the United States.

In the commercial differences which arise between nations, the various branches of industry are differently affected, and calculations, founded on the supposed interest of either party, being often fallacious, may prove to be uncertain guides in the policy of nations, while, by referring every question of disagreement to the honor of the nation, in the purity and preservation of which, every one is alike concerned, a standard is provided that can never mislead.

In the least as well as the most difficult disputes, national honor is the safest counsellor—and it should not be forgotten that public injuries long endured invite further aggression, and, in the end, degrade and destroy the pride and safety of nations.

In respect to the commercial difference which has so long existed between the United States and England, the claim of the latter exclusively to regulate the intercourse and navigation between the United States and her West India colonies, has affected the reputation and rights of the United States, and the public honor justifies the countervailing measures adopted on this subject; to recede from the same would be equivalent to their final relinquishment, and would not fail to encourage the belief, that a wrong so long endured would no longer be opposed, and that further aggression might be made without resistance.

It must be always remembered, that the countervailing measures which have been adopted by congress are entirely defensive; and, as we desire

to concur in the establishment of a free trade with every nation, we are ready to abandon the restrictions on the English navigation, as soon as England manifests a disposition to give up the restrictions which she was the first to impose on our navigation: and does public policy require, or will the national honor permit, that we should do so sooner? With these views, the committee submit the following resolution:

Resolved, That the committee on foreign relations be discharged from the further consideration of the petition of R. Appleby and others, of Colleton district, South Carolina, and of the resolutions of the chamber of commerce of Baltimore, praying for the repeal of the laws imposing restrictions on English vessels employed in the trade between the United States and the English colonies in the West Indies.

The remainder of this day was occupied in considering a private claim and in executive business.

March 18. Mr. Johnson, of Ky. reported the following bill:

A Bill to prevent war among the Indian tribes within the territorial limits of the United States.

Be it enacted, by the senate and house of representatives of the United States of America, in congress assembled, That the president of the United States be, and he is hereby, authorized to take such measures as he may deem expedient and proper, to prevent war among the various Indian tribes within the limits of the United States, by employing the military force, or otherwise.

The senate then went into the consideration of executive business, and so remained until the usual hour of adjournment.

March 19. Mr. Johnson, of Ky. obtained leave and reported a bill to establish a national armory on the western waters.

Many bills, chiefly of a private nature, were ordered to be read a third time, and shall be noticed on their passage.

March 20. The president laid before the senate a report of the secretary of the treasury, on the petition which had been referred to him, of gen. Lefebvre Desnoettes, and others, French emigrants in Alabama, engaged in the cultivation of the vine and the olive, praying a modification of their grant; and the report was read.

The report of the committee unfavorable to the petition of J. de Villier, of Louisiana, claiming damages to the amount of 19,250 dollars, as sustained by cutting the levee and inundating his plantation in December, 1814—was, after considerable debate, adopted, by a large majority, on the ground that the injury was done in the necessary operations of war.

Among the bills passed this day, was one to authorize the cutting of a canal through the public lands in the state of Illinois, to connect the river of that name with the waters of lake Michigan.

Mr. Johnson, of Ky. laid on the table the following resolution.

Resolved, That the committee on finance be instructed to inquire into the expediency of vesting the secretary of the treasury with special authority, by law, to dispose of the special deposits in the treasury of the United States, and to liquidate, upon the best terms in his power, with banks and individuals, all debts which he may ascertain to be doubtful.

The senate then went into the consideration of executive business; after which they adjourned.

HOUSE OF REPRESENTATIVES.

Friday, March 15. Mr. Newton, of Va. from the committee on that part of the president's message which relates to our commercial intercourse with foreign nations, and the various petitions on the subject of commercial restrictions, (so called), made a report, which, on motion of Mr. N. was committed; and, on motion of Mr. Cushman, 2,000 extra copies were ordered to be printed.

[This report, which is of great length, (105 quarto pages), concludes with the following resolutions:

Resolved, That the act concerning navigation, passed the 18th of April, 1813, and the act supplementary to the act concerning na-

vigation, passed the 15th May, 1820; and, also, the act laying a tonnage duty on French vessels, passed the 15th of May, 1820, made necessary to countervail the restrictive systems of Great Britain and France, and for the protection of the navigation and commerce of the United States from injuries, are still, and, as long as those adversary systems shall continue, must be necessary to protect from injuries the same great interests and ought not to be repealed.

Resolved, That the government of the United States, having uniformly declared and avowed its attachment to the principles of free commerce, and having, in the treaties which it has formed and agreed to, with foreign nations, and, in its relative acts, adhered to them, should be the last to abandon them, and, especially, at a time when every just and enlightened nation is conforming its commercial policy to an accordance with those principles.]

A number of reports on private claims were received.

On the report of Mr. Blackledge, from the committee on public buildings, the house agreed to a resolution to try the effect of an experiment to render the hall more suitable for the purposes of a deliberative assembly: to wit, "by throwing canvass, or other cloth, across the base of the dome, at the springing of the arch, so as to exclude the dome."

[To allow time for this experiment, the house, when it rose, adjourned to Monday.]

On motion of Mr. Sloan, it was

Resolved, That Philip Reed, who contests the election of Jeremiah Cosden returned a member of this house, be permitted to appear within the bar and be heard in support of his petition during the discussion of the report of the committee of elections on said petition.

Mr. Mercer laid on the table the following resolution:

Resolved, That the following be added to the standing rules of the house: "That, after any bill or resolution shall have been debated for more than three hours, in each of three successive days, either in committee of the whole or in the house, unless such bill or resolution shall have been finally disposed of, no motion for the committee to rise, or the house to adjourn, shall be in order before—o'clock.

[The house, on the following day, refused to consider the resolution—ayes 47, noes 55.]

The house then resolved itself into a committee of the whole, (Mr. Butler in the chair), on the report of the committee of elections, on the memorial of Philip Reed, contesting the election of Jeremiah Cosden, returned as one of the representatives of the present congress from the state of Maryland.

This report, after an examination of the statements of the two parties, and the evidence by which they were sustained, comes to the following conclusion:

"From a full, attentive and deliberate examination of the case, in all its points and bearings, the committee are impelled to the conclusion, that the sitting member cannot, consistent with the constitution of the United States, be allowed to retain a seat in this house, under the proceedings of the governor and council of Maryland. That the testimony in relation to the two votes rejected in district No. 1, of Kent county, proves that these tickets were not fraudulent, and that they ought to have been counted at the poll of the memorialist, for whom they were given; and that the vote allowed to him in district No. 2, in Cecil county, ought to be deducted from his poll, as being clearly an illegal vote. Therefore, by adding to the poll of Philip Reed, the memorialist, two votes improperly rejected in Kent county, and deducting one therefrom, for that improperly allowed in Cecil county, he will have a majority of one vote over the sitting member.

The following resolutions are submitted:

Resolved, That Jeremiah Cosden is not entitled to a seat in this house.

Resolved, That Philip Reed is entitled to a seat in this house."

But the most important part of the reasoning on which this report is founded, is the following:

"The committee, being of opinion that the power thus virtually exercised by the governor and council of Maryland, in appointing a representative to

the congress of the United States, (by casting lots where each of the candidates had an equal number of votes), is contrary to the express provisions of the constitution, and one which this house cannot sanction, have no hesitation in rejecting the official statement of the proceedings in the case as evidence of the right of the sitting member to a seat in this house."

The report having been read.

Mr. *Cosden* rose and supported his title so the seat in a speech of considerable length, to which Mr. *Reed* replied—when, it being nearly 4 o'clock, the committee rose and had leave to sit again, &c.

Monday, March 18. Mr. *Bateman*, from the committee on the post office and post roads, to whom was referred a resolution directing and inquiry into the practicability of detecting thefts and punishing the frauds and robberies of the mail, reported, in part, recommending the introduction, by way of trial, of Richard Inlay's plan of inclosing the mail in copper cases, secured in iron chests with inside locks and sliding bars, which report, on motion of Mr. B. was ordered to lie on the table.

Mr. *Cocke* laid on the table the following resolutions:

Resolved, That the act of the 2d March, 1821, to reduce and fix the military peace establishment of the United States, was not intended to authorize the president of the United States to dismiss officers then in service, and introduce others of the same grade into the army.

Resolved, That the dismissal of brevet brigadier gen. Daniel Biss II, colonel of the 1st regiment of infantry, and of Joseph L. Smith, colonel of the 3d regiment of infantry, as supernumeraries, and the creation of three new colonels, to wit: Towson, Fenwick, and Butler, on the 1st of June, 1821, was not authorized by the terms or by the spirit of the act of the 2d of March, 1821.

Resolved, That the appointment of colonel James Gadsden to the office of adjutant general of the United States' army, and the dismissal of colonels Butler and Jones from that office, was not justified by the act of the 2d of March, 1821.

Resolved, That the transfer of lieutenant col. William Lindsay, from the 7th regiment of infantry to the 3d regiment of artillery, after the 1st of June, 1821, was contrary to the regulations for the government of the army of the United States, and not authorized by the terms and spirit of the act of the 2d of March, 1821.

Resolved, That it is the duty of congress, upon national principles and considerations, to protect each officer and soldier of the army, in the enjoyment of his legal and constitutional rights.

Mr. *Cocke* thought that the subject embraced by the resolutions was one which involved the interest of the country, and he, therefore, moved that they be laid on the table and printed.

Some altercation ensued—Mr. *Wright* thought the house had business enough to do without interfering with the duties of another branch of the legislature. The *speaker* remarked, that a motion to lay on the table was not debatable. Mr. *Cocke* said he had a right to lay it on the table as he had proposed. The *speaker* thought it was a proper occasion to put the question for consideration. Mr. *Cocke* inquired by what rule he was deprived of the right to lay a resolution on the table. The *speaker* quoted a rule—the question of consideration was put and carried; ayes 62, noes 55—and the resolution was laid on the table, as requested by Mr. *Cocke*.

After other business, which shall be noticed in its progress as necessary, the house went into committee of the whole on the contested election of Messrs. Reed and Cosden.

Mr. *Reed* resumed his remarks, and Mr. *Cosden* replied. Mr. *Stoune* explained the views of the committee who reported the bill. Several other gentlemen spoke on the subject, when, at 4 o'clock, the question was taken upon the first resolution "that Jeremiah Cosden is not entitled to a seat in the house," and decided in affirmance of the same. Ayes 92.

Mr. *F. Johnson*, of Ky. inquired whether this decision would involve a determination of the 2d

resolution, or whether it would not again send the resolution back to the people? Before a distinct reply was made to the question—

Mr. *Taylor* moved to amend the 2d resolution as reported by the committee, (in relation to the right of gen. Reed to a seat), by inserting the word "not" between the word "as" and the word "entitled," thereby negating the title of either to a seat.

The question was taken thereon, and carried—ayes 72, nays 63.

The committee then rose and reported its proceedings, on which the house concurred with the amendment denying the right of Mr. Reed to the seat which he claims—ayes 73, nays 71.

Mr. *Taylor* observed, that the vote being so nearly equal, and so many members absent, he thought it but justice that the ultimate question should be taken in a more full house—and, on his motion, at half past 5 o'clock, the house adjourned.

Tuesday, March 19. Mr. *Newton*, from the committee on commerce, reported a bill granting certain privileges to steam ships and vessels owned by incorporated companies, (the same as now belong to such vessels belonging to individuals), which was twice read and ordered to be engrossed for a third reading.

Mr. *Russell*, from the committee on foreign affairs, to whom was referred the president's message on the subject of recognizing the independence of the South American governments, made the following report:

The committee on foreign affairs, to which were referred the message of the president, concerning the recognition of the late Spanish provinces in America, and the documents therewith communicated, having examined the same with the most profound attention, unanimously report:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the government of Spain, formally declared their independence of that government in 1816. After various intestine commotions, and external collisions, those provinces now enjoy domestic tranquillity, and good understanding with all their neighbors: and actually exercise, without opposition from within, or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Grenada, after having, separately, declared their independence, sustained, for a period of more than ten years, a desolating war against the armies of Spain, and having severally attained, by their triumph over those armies, the object for which they contended, united themselves, on the 19th of December, 1819, in one nation, under the title of "The Republic of Colombia."

The Republic of Colombia has now a well organized government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies, commissioned to preserve the supremacy of the parent state, is now blockaded in two fortresses, where it is innoxious, and where, deprived, as it is, of hope of succour, it must soon surrender at discretion; when this event shall have occurred, there will not remain a vestige of foreign power in all that immense republic, containing between three and four millions of inhabitants.

The province of Chili, since it declared its independence, in the year 1818, has been in the con-

stant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated like Chili, beyond the Andes, and bordering on the Pacific ocean, was, for a long time, deterred from making any effectual effort for independence by the presence of an imposing military force, which Spain had kept up in that country. It was not, therefore, until the 12th of June, of the last year, that its capital, the city of Lima, capitulated to an army, chiefly composed of troops from Buenos Ayres and Chili, under the command of general San Martin. The greatest part of the royal troops which escaped on that occasion, retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress, soon after, to the Americans, may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves, by this event, free to express their will, they most unequivocally expressed in favor of independence, and with an unanimity and enthusiasm which have no where been excelled.

The revolution in Mexico has been somewhat different in its character and progress, from the revolutions in the other Spanish American provinces, and its result, in respect to the organization of its internal government, has, also, not been precisely the same. Independence, however, has been as emphatically declared and as practically established, since the 24th of August last, by the "Mexican empire," as ever it has been by the republics of the south; and her geographical situation, her population and her resources, eminently qualify her to maintain the independence which she has thus declared and now actually enjoys.

Such are the facts which have occupied the attention of your committee, and which, in their opinion, irresistibly prove, that the nations of Mexico, Colombia, Buenos Ayres, Peru and Chili, in Spanish America, are in fact independent.

It now remains for your committee to examine the right and the expediency, on the part of the United States, of recognizing the independence which those nations have, thus effectually achieved.

In this examination, it cannot be necessary to inquire into the right of the people of Spanish America, "to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth that separate and equal station to which the laws of nature and of nature's God entitle them." The right to change the political institutions of the state has, indeed, been exercised equally by Spain and by her colonies; and for us to deny to the people of Spanish America the right to independence, on the principles which alone sanction it here, would be virtually to renounce our own.

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition, by us, it is necessary only to shew, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign; and thus, in fact, independent. With them, as with every other government possessing and exercising the power of making war, the United States, in common with all nations, have the right of concerting the terms of mutual peace and intercourse.

Who is the rightful sovereign of a country, is not

an inquiry permitted to foreign nations, to whom it is competent only to treat with "the powers that be."

There is no difference in opinion, on this point, among the writers on public law; and no diversity, with respect to it, in the practice of civilized nations. It is not necessary, here, to cite authority for a doctrine familiar to all who paid the slightest attention to the subject; nor to go back, for its practical illustration, to the civil wars between the houses of York and Lancaster. Long since, the chiefs of those conflicting houses, alternately triumphed and ruled, and were alternately obeyed at home and recognised abroad, according as they, successively, exercised the powers without demonstrating the right—monarchies have become commonwealths or republics, and powerful usurpers have been recognized by foreign nations, in preference to legitimate and powerless pretenders. Modern history is replete with instances in point. Have we not, indeed, within the brief period of our own remembrance, beheld governments vary their forms, and change their rulers, according to the prevailing power or passion of the moment, and doing so in virtue of the principle now in question, without materially and lastingly affecting their relations with other governments? Have we not seen the emperors and kings of yesterday, receive, on the thrones of exiled sovereigns, who claimed the right to reign there, the friendly embassies of other powers, with whom those exiled sovereigns had sought an asylum—and have we not seen to day those emperors and kings, thus courted and recognized yesterday, rest of their sceptres, and, from a mere change of circumstances, not of right, treated as usurpers by their successors, who, in their turn, have been acknowledged and caressed by the same foreign powers?

The peace of the world, and the independence of every member of the great political family, require that each should be the exclusive judge of its own internal proceedings, and that the fact alone should be regarded by foreign nations. "Even when civil war breaks the bonds of society and of government, or, at least, suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge." It is of necessity, therefore, that these two parties should be considered, by foreign states, as two distinct and independent nations. To consider or treat them otherwise, would be to interfere in their domestic concerns, to deny them the right to manage their own affairs in their own way, and to violate the essential attributes of their respective sovereignty.—For a nation to be entitled, in respect to foreign states, to the enjoyment of these attributes, "and to figure directly in the great political society, it is sufficient that it is really sovereign and independent; that is, that it governs itself by its own authority and laws." The people of Spanish America do, notoriously, so govern themselves, and the right of the United States to recognize the governments, which they have instituted, is incontestible. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere.

Can such an apprehension be well founded?

Have not all those nations practically sanctioned, within the last thirty years, the very principle on which we now propose to act; or have they ever complained of one another, or of us, for acting on that principle?

No nation of Europe, excepting Spain herself, has, hitherto, opposed force to the independence of Spanish America. Some of those nations have not only constantly maintained commercial and friendly intercourse with them, in every stage of the revolution, but indirectly and efficiently, though not avowedly, aided them in the prosecution of their great object. To these the acknowledgment by the United States, of the attainment of that object, must be satisfactory.

To the other nations of Europe, who have regarded the events occurring in Spanish America, not only without interference, but with apparent indifference, such an acknowledgement ought not to be offensive.

The nations who have thus respectively favored or never opposed, the Spanish American people, during their active struggle for independence, cannot, it is believed, regard with dissatisfaction the formal recognition of that independence by a nation, which, while that struggle lasted, has religiously observed, towards both conflicting parties, all the duties of neutrality. Your committee are, therefore, of opinion, that we have a right on this occasion, confidently to expect, from what these nations have done or foreborne to do, during the various fortunes of the civil war which has terminated, that they will frankly approve the course of policy which the U. States may now think proper to adopt in relation to the successful party in that war. It surely cannot be reasonably apprehended, that nations who have thus been the tranquil spectators, the apparent well-wishers, if not the efficient supporters of this party, and who have not made the faintest attempt to arrest its progress or to prevent its success, should be displeased with a third power, for merely recognizing the governments, which, owing to that success, have thus been virtually permitted, or impliedly approved, in acquiring the undisputed and exclusive control of the countries in which they are established. It is therefore, on the consistency, as well as on the justice of these nations of Europe, that we may confidently rely, that the simple recognition, on the part of the United States, of the necessary effect of what has already been done, will not be considered as a just cause of complaint against them; while the interested and immediate agents, who have been directly and actively engaged in producing that effect, have neither been opposed nor censured.

Your committee, therefore, instead of seriously apprehending that the recognition, by the United States, of the independence of Spanish America, will be unacceptable to these nations, are not without hope, that they may practically approve it, by severally adopting a similar measure. It is not, indeed, unreasonable to suppose, that those governments have, like this, waited only for the evidence of facts which might not only suffice to justify them, under the laws and usages of nations, but to satisfy Spain herself, that nothing has been prematurely done, or which could justly offend her feelings, or be considered as inconsistent with her rights. As their motives for not having hitherto recognized the independence of Spanish America, may thus be supposed to have been analogous to our own, it is permitted to presume that the facts and reasons which have prevailed on us no longer to hesitate, will, confirmed as they are by our example, have a like influence on them.

No nation can entertain a more sincere deference for the feelings of Spain, or take a more lively interest in her welfare, than the United States. It is to this deference, too evident to be

doubted or misunderstood, that ought to be ascribed the hesitation of this government, until now, to yield to the claims of Spanish America, although these claims were in perfect accordance with our own principles, feelings and interests. Having thus forborne to act, even at the hazard of having those principles and feelings misunderstood on this side of the Atlantic, we have, as your committee believe, given at once satisfactory proof of our disinterestedness and moderation; and of our scrupulous respect to the principle which leaves the political institutions of every foreign state to be directed by its own view of its own rights and interests,

Your committee have been particularly anxious to show, in a manner satisfactory to Spain herself, that the measure, which this government now proposes to adopt, has been considered with the most respectful attention, both in relation to her rights and to her feelings.

It is not on the laws and usages of nations, or on the practice of Spain herself on like occasions, that your committee have relied for our justification towards her.

The fact that, for the last three years, she has not sent a single company of troops against her transatlantic colonies, has not been used as evidence of their actual independence, or of her want of power to oppose it. This fact, explained as it is, by the public acts of Spain herself, is regarded by your committee as evidence only of her policy.

The last troops collected at Cadiz, in 1819, which were destined to suppress the revolutionary movements in Spanish America, not only rejected that service, but joined in the revolution, which has since proved successful in Spain itself. The declaration of the leaders in that revolution was, that "Spanish America had a right to be free, and that Spain should be free." Although the constitution, which was re-established by that revolution, guaranteed the integrity of the Spanish dominions, yet the principles on which that constitution was founded, seem to discountenance the employment of force for the accomplishment of that object, in contempt of the equal rights and declared will of the American portion of the Spanish people. The conduct of the government, organized under that constitution, has uniformly been, in this respect, in conformity to those principles. Since its existence, there has not been even a proposal by that government to employ force for the subjugation of the American provinces, but merely *recommendations of conciliatory measures for their pacification.*

The answer of the cortes, on the 10th of July, 1820, to the address of the king, furnishes conclusive proof of this policy.

"The intimate union," says this answer, "of the cortes with your majesty; the re-establishment of the constitution; the faithful performance of promises, depriving malevolence of all pretext, will facilitate the *pacification* of the ultra marine provinces, which are in a state of agitation and dissension. The cortes, on its part, will omit no opportunity to propose and adopt measures necessary for the *observance of the constitution and restoration of tranquillity in those countries, to the end that the Spain of both worlds may thus form a single and happy family.*"

Although the ultra marine provinces are not here encouraged to expect absolute independence, yet they are no longer treated as vassal colonies, or threatened with subjugation, but are actually re-

cognized as brothers in the great constitutional and free family of Spain.

A report made to the cortes, on the 24th of June, 1821, by a committee appointed by that body, not only manifestly corroborates the policy above stated, but sufficiently intimates that the recognition of the independence of Spanish America by Spain herself, had nearly been the measure recommended by that committee.

That report avers, that "*tranquillity is not sufficient*, even if it should extend throughout America, with a prospect of permanency: *Not it falls short of the wishes of the friends of humanity.*"

In speaking of the measure demanded by the crisis, it says that this measure was not only warmly approved by the committee, but, *at first, entirely assented to by the ministers*, with whom it had been discussed, and failed only to be proposed to the cortes "*by these ministers having, on account of peculiar occurrences, suspended their judgment.*" It speaks of this measure as indicative of a new and glorious resolution; that it was demanded by America and the true interests of the peninsula; that from it Spain might reap advantages which otherwise she could never expect; and that the *ties of kindred* and the uniformity of religion, with *commercial relations*, and those emanating from *free institutions*, would be the *surest pledge of mutual harmony and close union.*

Your committee do not feel themselves authorized to say, positively, what that measure was; but they do not hesitate to declare their entire conviction, that no measure, short of a full recognition of unconditional independence, could have deserved the character, nor been capable of producing the effects ascribed to it.

It is, therefore, sufficiently manifest that Spain, far from wishing to call into action her means of prosecuting hostilities against the people of Spanish America, *has renounced even the feelings of an enemy towards them*, and, but for "*peculiar occurrences,*" had been prepared nearly a year ago, to consent to their independence.

She has not only practically discontinued, and even emphatically deprecated, the employment of force to restore tranquillity to Spanish America, but she has declared that even universal and permanent tranquillity there "*falls short of the wishes of the friends of humanity.*"

While she appeals to "*the ties of kindred,*" she undoubtedly feels them; and if she has not abandoned her desire, so often avowed, of mere constitutional union and equal commercial intercourse with her former colonies, *as between provinces of the same empire*, a union and an intercourse which intervening Andes and oceans seem to render highly inconvenient, if not utterly impracticable, she evidently refers the accomplishment of this desire to the unawed deliberations, and to the congenial and kindred feelings of the people of those colonies, and thus substantially acknowledges their independence.

Whatever may be the policy of Spain, however, in respect to her former American colonies, our recognition of their independence can neither affect her rights, nor impair her means, in the accomplishment of that policy. We cannot, for this, be justly accused of aiding in the attainment of an independence which has already been established without our assistance. Besides, our recognition must necessarily be co-existent only with the fact on which it is founded, and cannot survive it. While the nations of Spanish America are actually inde-

pendent, it is simply to speak the truth to acknowledge them to be so.

Should Spain, contrary to her avowed principles and acknowledged interests, renew the war for the conquest of South America, we shall, indeed, regret it, but we shall observe, as we have done, between the independent parties, an honest and impartial neutrality; but, on the other hand, should Spain, faithful to her own glory and prosperity, consent that her offspring in the new world should enjoy the right of self-government, equally with their brethren in the old, we shall sincerely rejoice—and we shall cherish, with equal satisfaction, and cultivate with equal assiduity, the friendship of regenerated Spain and of emancipated America.

Your committee, in justice to their own feelings and to the feelings of their fellow-citizens, have made this declaration without disguise, and they trust that the uniform character and conduct of this people will save it from liability to misinterpretation.

Happy in our own institutions, we claim no privilege; we indulge no ambition to extend them to other nations; we admit the equal rights of all nations to form their own governments and to administer their own internal affairs as they may judge proper; and, however they may, in these respects, differ from us, we do not, on that account, regard with the less satisfaction their tranquillity and happiness.

Your committee having thus considered the subject referred to them, in all its aspects, are unanimously of opinion, that it is *just and expedient* to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their governments; and, in accordance with this opinion, they respectfully submit the following resolutions:

Resolved, That the house of representatives concur in the opinion expressed by the president, in his message of the 8th March, 1822, that the American provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recognized, by the United States, as independent states.

Resolved, That the committee of ways and means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the president of the United States to give due effect to such recognition.

Five thousand additional copies of the preceding report were ordered to be printed.

On motion of Mr. Hall, of N. C. it was

Resolved, That the committee on the judiciary, be instructed to inquire into the propriety of repealing the act of 1813, to encourage vaccination, and if on inquiry, it shall seem proper, that they report a bill to that effect.

The house again refused to consider the resolution for fixing a time for the adjournment of congress—for it 47, against it 67.

The house then went into consideration of the unfinished business of yesterday, (the contested election of Messrs Cosden and Reed.)

The question was first taken upon concurrence with the committee of the whole in their agreement to the first resolution reported by the committee of elections, viz: "*That Jeremiah Cosden is not entitled to a seat in the house,*" and the same was affirmed—ayes 91, noes 27.

The question was then about to be put on agreeing to the other resolution reported by the committee, as yesterday amended, so as to declare that Mr. Reed is not entitled to a seat—

Mr. Wright moved a re-consideration of the vote taken yesterday denying the right of Mr. Reed to a seat in the house—refused 68 to 66.

After debate, &c. the question then recurred on the second resolution, as amended, and reported by the committee of the whole, and the yeas and nays being called, were—

Yeas	74
Nays	75

The speaker, under the rule of the house, "that, in all cases of ballot by the house, the speaker shall vote; in other cases he shall not vote, unless the house be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost"—voted in the affirmative, which made an equality of votes upon the proposition before the house. The effect of this vote was decided by the chair to be, that the affirmative proposition, viz: *Philip Reed is not entitled to a seat in this house*, was lost, and was equivalent to a determination in the affirmative of the original proposition of the committee of elections in favor of Mr. Reed.

Mr. Baldwin appealed from the decision of the chair—many gentlemen spoke on the subject, and the decision of the chair was reversed.

Mr. Sanders then presented the following resolution:

Resolved, That Philip Reed is entitled to a seat in this house, as one of the representatives of Maryland.

On this question the yeas and nays were ordered, and the resolution was carried, as follows—yeas 82, nays 77.

Mr. Reed then appeared, was qualified and took his seat, and

The house adjourned.

Wednesday, March 20. After much minor business—

On motion of Mr. Rich, it was

Resolved, That the committee of claims be instructed to inquire into the expediency of providing by law, for a settlement, upon the best evidence of which the cases will admit of, the accounts of persons charged with public moneys on the books of the third auditor of the treasury, prior to the 1st of February, 1815.

A motion prevailed to consider the resolution from the senate, fixing a period for the adjournment of congress—yeas 79, nays 74. Some discussion took place and the further consideration of the resolution was postponed until the *second Monday in April*.

The bills that had passed the senate were received, &c.

On motion of Mr. Smith, Md. the house resolved itself into a committee of the whole on the state of the union, on the unfinished business of Thursday last, on the bill authorizing the secretary of the treasury to exchange a stock bearing an interest of five per cent, for certain stocks bearing an interest of six and seven per cent.—Mr. Lathrop in the chair.

The question recurred, upon the motion of Mr. Baldwin, to amend the first section of the bill, by extending the provisions of the bill so as to include also two millions of six per cent stock created by the loan of 1820.

The question being taken on this motion for amendment, it was negatived without a division.

Mr. Cambreleng submitted an amendment to make the amount of stock to be issued, as high as *thirty millions*, at 5 per cent. interest, to redeem the stocks paying six or seven per cent. under certain regulations, and supported his proposition in a speech of considerable length. A debate followed, the committee rose without finally acting on the subject and reported, and the house adjourned.

THURSDAY'S PROCEEDINGS--MARCH 21.

In the senate—The most prominent subject was the private claim of George Shannon, who, while conducting home an Indian chief that had accompanied Lewis and Clark in their expedition to the Pacific, was wounded and lost his leg in consequence—it was proposed to grant him 640 acres of land.

After debate, though the senate appeared to have no objection to pensioning the individual, the bill, on account of its precedent, was indefinitely postponed.

Executive business occupied the remainder of the day.

In the house of representatives, a good deal of private or local business was attended to.

It appears that the experiment made to improve the hall has failed—for Mr. Mercer laid on the table the following resolution:

Resolved, That the committee on the public buildings be instructed to inquire into the practicability of further accommodation of the house of representatives, by preparing the room in the center building, designed for the public library.

The house then resumed the consideration of the unfinished business of yesterday, (the bill authorizing the secretary of the treasury to exchange certain stocks), Mr. Lathrop in the chair—the question being upon the amendment submitted yesterday by Mr. Cambreleng.

On this question, and others which succeeded, a long debate took place, which occupied the house till near five o'clock.

The amendment proposed by Mr. Cambreleng was finally negatived, 78 to 52; and, after disposing of many other propositions to amend, but without getting through the bill, the house adjourned.

CHRONICLE.

A new frigate, rated at 44 guns, and named the "Potomac," is to be launched this day at the navy yard in Washington.

Mr. Randolph. Leave for this gentleman for the remainder of the session, was asked a few days ago. It appears that he proceeded to New York, and there embarked for England in the ship Amity.

The Washington City Gazette, noticing the departure of Mr. R. observes—"On behalf of our congressional friends we may be allowed to say—

"Fare thee well, Jack!

"We could have better spared a better man."

Marriages. We observe that at Groton, N. H. five gentlemen of the name of Perkins, were recently married at one time and place.

Boston. The people of this town have decided that it shall become a city, under authority granted by the legislature of Massachusetts at its last session. For a city charter 2797; against it 1881—majority 916. The people are also to vote in wards.

New works. A work has just appeared at Washington, from the pen of "John Taylor, of Caroline, Virginia," entitled "Tyranny unmasked"—on the internal and external policy of the United States, in relation to agriculture, commerce and manufactures, and the tendency of the present confederated powers of the United States towards a consolidated government. Price, in boards, 1 50; bound, \$1 75.

Davis & Force, of Washington, propose to publish the rev. Dr. Jedediah Morse's report to the secretary of war on Indian affairs, comprising the narrative of his tours in 1820 and 1821, under a commission from the president of the United States—illustrated by various statements, statistical tables and maps: intended to give a general view of the Indian tribes within the territory of the U. States. It will make about 400 octavo pages, and be delivered to subscribers at \$2 75 in boards. It is to be put to press immediately.

NILES' WEEKLY REGISTER

NEW SERIES. No. 5—Vol. X.] BALTIMORE, MARCH 30, 1822. [No. 5—Vol. XXII. WHOLE No. 51

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

THE SENATE of the United States has been much occupied, at the present session, with what is commonly called "executive business." It is said, that that body has refused to sanction a considerable number of the nominations made by the president, and among them that of our gallant townsman, *Townson*, to be a colonel of artillery, and of col. *Gadsden* to be adjutant general. The reason of those proceedings are, of course, not publicly known; but, in the cases mentioned, it is believed that the only objection to such appointments was, in an apprehension of the senate, that sufficient respect or attention to the grade of other officers had not been observed.

FOREIGN NEWS. English papers of the 1st of Feb. have been received at New York. Their contents are unimportant.

Constantinople was tranquil on the 11th Jan. but the prospect of an adjustment with Russia remained as uncertain as ever. A report prevailed that the Persians has ceased hostilities, and made peace with the Turks. The cholera morbus was raging dreadfully at Bagdat—1000 persons were carried off by it in a few days. No particulars of the Greeks—but it is said they have adopted a liberal constitution, on the plan of that of the United States.

An unusual amount of duties had been lately paid on flax and hemp imported at London. Great shipments of goods were making for Mexico and South America, and a glut is expected. The agricultural distress is on the increase. A man has walked backwards 21 miles in less than 7 hours—the time allowed. There are only 9 provincial bankers in Ireland; in 1809 there 43. A numerous herd of rein deer, with Laplanders to attend them, have been imported into England. It is stated that many of the horrid accounts of murder, &c. in Ireland, were made-up to favor the introduction of troops and to place the country under the law of the military.

American stocks at London—3 per cents 69½ to 70; 5's 96½ to 97; new 6's 98 to 100; 7's 99 to 99½; U. S. bank stock 22½ to 22½ 15s.

The fort of St. Juan de Ulua, at Vera Cruz, remains possessed by the royalists—but its intercourse with the town was cut off, and heavy batteries were erected against the fort. This, we believe, is the only spot in all Mexico, where the independent flag is not acknowledged. *Guatemala* is created into an independent state. According to the *Aurora*, it is a delightful country, containing about 462,000 square miles, rich in its productions, and happily seated for commerce. The capital, of the same name, is about 500 miles from Mexico, and contains 20,000 inhabitants. Our news from *Colombia* is pleasant—a gazette has appeared at Caracas called the "*Iris de Venezuela*." The pay of the officers of the army is fixed at very high rates—a captain, for instance, is to receive 6,000 dollars a year, a private soldier 500. Porto Cavello still was held by the royalists.

An official statement estimates the increase of population in France at 572,749 individuals in the last three years. The whole population is said to amount to 30,407,907.

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The ships in the French navy, in Nov. 1821, were 8 of 118 guns, 2 of 110 guns, 12 of 80, 27 of 74, 1 frigate of 44, and 30 of 38, 10 corvettes and 26 brigs. According to the report of the minister of marine, there were, in 1821, in actual service, 73 armed vessels of different descriptions, and on different stations. For the sake of exercising young officers, some of the armed ships are employed as transports in the merchants' service. The great works to complete the basins of Cherbourg and Brest, and the general magazine of Toulon, are in progress.

A ship of the line, 3 frigates and a number of smaller vessels, with 2,000 troops and 50 pieces of artillery, have left Martinico for Samana, *Hayti*, to retake the Spanish part of the island. It is said they will be reinforced, and the idea of overthrowing the "sable government" is entertained. Boyer has decreed liberty to the slaves, and, in his proclamation says, "the national flag waves upon all the points of the island that we inhabit;" and he congratulates the people of the eastern section on their union with those of the west. It will be a hard job to reduce this people to slavery. Many of the white inhabitants had left the east part of the island.

The French cruisers in the West Indies have captured many piratical vessels, and sent them to Martinico.

DELIGHTFUL ASSURANCE. The frequent letting down of representatives of the people in congress, to petty offices in the gift of the government, has considerably alarmed the public mind, and given rise to the most decided reprehension of the practice: it has been deprecated from one extreme of the republic to the other, without any one stepping forward to justify it—and we take some pride in saying that we were of those who first censured the proceeding, not only as inexpedient, but as dangerous to the liberties of the people—not for the amount to which it had extended, but for the sinful hope that it held out to the profligate of "feathering their nests," by selling the interests of their constituents. "Lead us not into temptation."

The case of Mr. Thomas, who was employed by the secretary of the treasury, to examine certain land offices, (at the rate of six dollars per day, and the like amount for every twenty miles travelled) while a senator of the United States from the state of Illinois, which he still is—and the appointment of gen. Van Rensselaer, a representative from New York, to be postmaster at Albany, has caused no small stir among the people, and opened the eyes of thousands to the impolicy of such things, without meaning to attribute improper motives as to either selection: and it seems that the public feeling on the subject has reached "head quarters." The *National Intelligencer*, speaking of Mr. Thomas' case observes, "we venture to say that there will never be another member of congress appointed, even to be a minister abroad, if others the least qualified can be got to accept the office." The editors, no doubt, have authority to give the assurance they would hardly undertake to proclaim a matter so important without advisement, and we can congratulate the people of the United States on the matter set forth.—It is true, it may prevent some persons from kindly

agreeing to serve in congress, that they may obtain snug births for themselves—but I *guess* that the interests of the republic will not suffer detriment by the want of them; and we shall have less of yea-and-nay selling men, and of persons that enlist themselves like Swiss in the service of aspirants, seeking the presidency and other places of power, on account of whom they waste the public money and neglect or divert the business of the people, at an abominable rate.

¶ P. S. Now, after enjoying the repose which the assurance of the editors of the *Intelligencer* afforded, how mortifying was it to be disturbed by the following explanatory statement in a subsequent paper!—

"We understand that an editorial remark of ours, that hereafter we should have no members of congress appointed even to the office of foreign ministers abroad, if others well qualified could be got to accept it, has been taken literally, and regarded as an expression not only of our personal views but of those of the executive on that point. The first would be a mistake of our opinions on the subject; but the latter would be a mistake more serious. We have no knowledge of the views of the executive on that subject; and our occasional speculations, on this or any other subject, are regarded as of vastly too much weight, if they are supposed to be impressed with the executive sanction. Nothing would be more wide of the fact than such a supposition."

¶ Thus we are left just as we were; and the "delightful assurance" is dissolved into empty air. Well—"what cannot be cured must be endured," and that's the whole of it—*pro tem*.

OUR FRIENDS. We wonder what *our friends*, the British reviewers, will say of us, when they see the congressional proceedings of the present session? Capt. Symmes has seriously requested aid to enter *into the hollow* of the earth, by the hole at the north, and James Bennet, of Philadelphia, has asked for a patent to *cure* him the benefits of his invention to *fly over it*! Surely, they will be quite astonished—and we may expect some of their most dignified paragraphs about these things.

THE PENITENTIARY SYSTEM. A very elaborate and interesting report has been made to the legislature of New York on this important subject, which we shall endeavor to preserve in this work. It appears, that since the adoption of the system in 1796 the total expenditure of the state upon it amounts to the great sum of \$1,512,922—that the total number of convicts has been 5,069, of whom more than one half have been pardoned, or rather dismissed, to make room for others. Less than one half of the convicts were natives of the state, and about one third were foreigners. The committee are of opinion, that the penitentiary system, as a means of reform, *has totally failed*; and rather operates "to increase and diffuse a love of vice," &c. They recommend the abandonment of *labor as a punishment*, and the substitution of severe confinement in cells—solitude, darkness and stunted food of coarse quality.

This is in accordance with the general feeling that now seems to prevail on this matter. It is a fact, that many seek the penitentiary as a place of rest or repose—especially slaves who have severe masters; and *white men* who esteem a taking care of themselves as the greatest burthen that can be imposed upon them. Moderate labor is no punishment to them—it is rather an amusement;

and the most fatal idea that ever entered into the mind of the managers of these institutions, was that of rendering them profitable in a pecuniary point of view, whereby the pursuits of honest individuals have been materially intertered with. We are zealous to spare and reform the guilty—but the present penitentiary plan, we have long thought, is not the way to effect it. Punishment that is felt, should be inflicted—graded to the extent of crime. Instead of confinement for life at hard labor, let us say so many years in the cell, where no light enters, where no sound is heard, where there is as little as possible to support nature that will vary the tediousness of life, by change; with an assurance that pardons will never be granted, unless on proof of innocence furnished. These should be granted to repentance, and will be, we trust, by Him that knoweth the human heart; but it is so difficult for *man* to ascertain it, that no one, who immediately commits crime, should have reason to calculate upon it, before-hand. Then might crimes be avoided for fear of the punishment, which would be real; and the penitentiary, perhaps, be regarded with more horror than the gallows.

The mayor of New York, in a late communication to the council of that city, proposes a reform in the punishment of convicted criminals. The following article from the New York Daily Advertiser relates to the subject:

"A proposition contained in this communication of the mayor we think highly judicious, and well worthy of the experiment. *Labor* is one of the cardinal ingredients in the modern systems of punishment. Where it is exacted in such a manner as not to defeat the principal object of that system, it is certainly of great importance. In this proposition, the plan of framing a "stepping mill," and obliging *the convicts to work it*, is liable to few objections, and promises much benefit. It is precisely that kind of labor which a rogue would dislike, and therefore very proper for the case. It is calculated to fatigue the body to a sufficient degree, but much more to fatigue the mind. It is labor entirely destitute of variety and of course of amusement; it is incessant, it is sufficiently severe, and peculiarly disheartening.

If this *mill* should be once set in motion, we have no doubt it would drive off many of the *millers*, who would rather resort to a more favorable region to carry on their trade, where they could commit crimes without being exposed to such *hard duty* by way of punishment."

A FOREIGNER'S VIEWS. A letter from an Englishman, who arrived in the United States about three months ago, to a gentleman of Philadelphia, has been put into our hands to shew the opinion of an enlightened foreigner on the policy and proceedings of the United States, in respect to domestic industry.

After expressing his astonishment at the prejudices entertained against the manufacturing interests—he asks, "would Britain be what she is in the scale of nations, if her manufacturers had been treated with that contumely that the American manufacturers are? To support her manufactures, Britain has engaged in bloody and expensive warfare; her Argus policy is perpetually watching over them, and will by no means let their interests be subservient to any other. American legislators have tried the opposite policy long enough to convince them, that its continuance can never render their country powerful and independent: but a blind fatuity appears to me to preside over their

deliberations and decisions on this vital point, which nothing but unparalleled distress in the country will be able to remove." "It was necessary for me to see the state of things in this country before I could believe what had been told to me." "I have wondered that your pride, if not your interest, has not induced you to become independent of Britain." He then alludes to a fact which he had seen stated, that the secretary of war had suggested a suspension of the non-importation act for the purpose of importing 5 or 6000 blankets for the Indians, which he cannot fully believe—"the executive in want of five or six thousand blankets, and yet spurn the applications of the manufacturers of the nation, who apply for protection from foreign competitors!—why, I should think that such a proposition from the British ministry, with all their influence, would have led them to Tower Hill." He adds, that he had mentioned the affair of the blankets in a company of Americans at New York, not one of whom believed it; they thought it impossible that such a thing should have happened—they denounced it as a palpable falsehood, &c.

COTTON. A short time since, we mentioned that cotton had been raised, in considerable quantities, in the state of Illinois. Many persons were astonished at the statement—could cotton grow so far north? Yes—and the idea of producing it even in Connecticut* is not half so much to be wondered at now, as that of raising a crop in South Carolina was less than 40 years ago. At that time it was planted rather as an article of curiosity than for any thing else. The southern part of Illinois is in lat. 37°—38°; Connecticut in 41°—42°. Asia minor extends from 36° to about 40°. In this region, as well as in Macedonia, in lat. 41°, cotton, of a very superior quality, was raised hundreds of years ago, perhaps, and is still cultivated, *as crop*, to a large extent—Salonica cotton has long been, (and, unless now prevented by the insurrection of the Greeks, still is), a valuable article of commerce.

It is very true, that degrees of latitude do not always determine the character of temperatures—but like causes produce like effects every where; and we know also, that many plants, supposed to be naturally foreign to certain climates, have become naturalized to them by cultivation; and we are pleased with the hope held out that this rich staple may be raised by the people of the west, for the supply of their own wants, even if it shall not become an article for export—which seems within the range of possibilities, as is shewn in the following paragraphs from the Cincinnati "Inquisitor," of the 12th inst.

"We are informed by a respectable gentleman from Illinois, with whom we had a conversation the other day, that cotton, of a superior quality, has been raised in the eastern part of that state, on the Wabash, and that the country as far up as Palestine, on that river, and the lands in Indiana, on White river, as far up as the falls in each fork, produce this article to great perfection. A considerable quantity of this article, raised in Illinois and Indiana, has been taken to Kentucky; and, we learn that, last month, a wagon load was offered in the Chillicothe market, which was pronounced, by good judges, to be of an excellent quality.—Sheep, it is also said, thrive well in Illinois, the

prairies being dry and peculiarly favorable to them—and the wool is good.

"The cultivation in Illinois of an article of such primary importance as cotton, must certainly be a permanent source of wealth to that state, and a great benefit to the western country generally."

FONWARR! A letter from a gentleman in Rhode Island to his friend in Philadelphia, says—"A company in Boston are erecting buildings at Dover, New Hampshire, to contain 20,000 cotton spindles. They give, to superintend the construction of their machinery, 20,000 dollars for ten years.

"At Medway, in Massachusetts, a loom has been constructed to weave *lace veils*. It is worked by hand, and carries at the same time 1,232 shuttles. It weaves as fine as 300 skeins to the pound; and will be put in operation with yarn imported from England, which costs ten and a half dollars per lb.

"We shall now clothe the rich as well as the poor. I hope I may live to see this event accomplished; and I think I may say 'quorum par fui.'"

PAUPERISM. New Castle county, Delaware, at the late census, contained 27,899 inhabitants. From an official report about the maintenance of the poor, it appears that the average amount kept in the poor house, during the last year, was 180; and partial support to out-paupers, to the amount of 795 dollars, was also given—but the number of the latter is not stated. The aggregate of paupers was probably about 210, or one to about 133 persons of the whole population. It appears that the expense of boarding those in the house, has amounted to less than 5 cents per day, owing to the supplies of meats, vegetables, butter, &c. which they raise on the small spot of land attached to the establishment, "which goes to shew what might be done by a productive farm."

Some of the principal items of expense may be usefully noted for reference—as follows:

Bread stuffs 1229 47; meats and fish 1133 76; groceries, &c. 747 74—total subsistence \$3110 97. Flax 13 72; shoes 89 50; paid for weaving 96 22; articles purchased 859 17—total clothing 1058 62. Wood, carting and whetting saws 690 87. Salaries and services, including 85 dollars to an attorney, 769 85. Medical attendance and medicine 342 77.

THE SOUTHERN REPUBLICS. The reasoning of the committee of foreign relations, as to the right and expediency of an acknowledgment of the independence of certain late provinces of Spain, is, in our opinion, conclusive. It seems, however, that we have not taken the lead in this matter—the king of Portugal has acknowledged the independence of Chili, and it is given out in the London papers that he intended also to recognize all the different republics of South America. Noticing this circumstance, the London "Courier" of the 25th of Jan. says—"If Portugal were not at this moment the victim of revolution, and if her monarch were in reality a free and independent sovereign, such a proceeding would excite political speculations of no ordinary interest; and it would lead also to events of no ordinary importance. The recognition of Chilian independence, however, is the act merely of the Cortes, a deliberative body, created by the revolution, and consequently not unfavorably disposed towards successful revolution in other quarters. The state of Spain, too, is such, that she cannot utter even an angry word at this breach of amity, still less inflict punishment."

*Two barrels of cotton seed have been distributed at New-York, for experiments on Long Island, in Connecticut, &c.

"It has been recommended by one of our contemporaries, that we should follow this "enlightened policy," that is, that we should violate every principle of national good faith, for the paltry consideration of contingent commercial benefit. The relations of peace and amity still subsist between this country and Spain, and while they subsist, we should not be justified in establishing similar relations with a portion of her revolted subjects. True it is, that Spain has irrecoverably lost her trans-Atlantic colonies, but till she formally renounces her pretensions, by a solemn recognition of their independence, they can only be regarded as in a state of successful rebellion against her authority. To sanction that rebellion, therefore, by acknowledging the rebels as the organs of a legitimate government, would be an act of open hostility towards the parent state. The policy which England has hitherto pursued, has been truly enlightened, and her own best interests, those of justice and honor, are intimately blended with her perseverance in that policy. She has remained neutral during the struggle. Let her continue so. The period is not now far distant when all the advantages that could have been derived from an opposite course will be within our reach, and may be enjoyed without the reproach of perfidy. It would ill become the proud character of a country like Great Britain, which has shewn on every occasion the purity of her motives, to imitate the sinister intrigues of juggling cabinets; and still less, the faithless diplomacy of revolutionists, whose practice is, on all occasions, whatever their precepts may be, to make the end justify the means. Nations, like individuals, never violate honesty with impunity; and the *patriots* of Portugal may yet be taught, in the Brazils, that it is a dangerous experiment to assist revolted colonies in establishing their independence of the mother country."

As this paper is understood to express the sentiments of the ministry on political subjects, more than ordinary importance is to be attached to such matters mentioned in it. But the rule prescribed in the "Courier," as worthy of the "proud character" of Great Britain, is neither consistent with the conduct of the government of that country or of others, in respect to such things. During our revolution, France, Spain, Holland, &c. &c. acknowledged the independence of the United States, long before George 3d felt himself compelled to do it—and Great Britain acknowledged and made a treaty with the French revolutionary government, though Louis the 18th, the "legitimate sovereign," had not relinquished his right to the throne: and the fact is, in regard to the late Spanish provinces themselves, though the British government has not done any public act in which they were regarded as independent, it is perfectly known that measures have been connived at which powerfully tended to assist the people of those countries in winning it; and it is notorious that agents, measurably possessed of the character of ministers, have long resided in Buenos Ayres, Chili, &c.

The "Aurora" gives a minute list of the troops sent by Spain to South America since the breaking out of the revolution in 1810. They amount to 39,800 men, thus distributed—

To Venezuela	32,400
La Plata	3,800
Peru	3,600
	—39,800

The Spanish regular troops that were in South America at the commencement of the revolution, are thus estimated:

In Venezuela	2,185
New Grenada	2,968
La Plata	4,700
Chili	2,980
Peru	2,380
	15,169
Reinforcements	39,800
	—54,969
Remain	
In Porto Cabello	1,200
Upper Peru	2,200
	—3,400
Troops lost to Spain	51,569

INLAND NAVIGATION. We have received a copy of the report of "a committee appointed at a meeting of the inhabitants of the country bordering on the Seneca Lake, held at Geneva, (N. Y.) on the 13th of Dec. 1821, for the purpose of ascertaining the most eligible route for a canal from Seneca lake to the Erie canal."

The committee seem to have carefully attended to the duties to which they were appointed, and caused a survey to be made, which they report at length. It appears that the distance from the Lake to the canal is only 15½ miles, and the net descent from the former to the latter is 28½ feet—and there seems to be an abundant supply of water for the locks, which will also add to the supply of the Erie canal; and it is estimated that the whole may be completed for the sum of 75,000 dollars—the experience afforded in making the Erie canal being applied to the lesser work contemplated. By the aid of some improvements that have been made at the outlet of the Lake, 306 boats passed down in 1821, and 334 ascended—aggregate tonnage, ascending and descending, 7,680 tons.

It is through the Seneca Lake that we expect to see the day when a loaded boat may pass from BALTIMORE to Lakes Ontario, Erie, &c. A canal is proposed to be cut from the south end of this Lake to Newtown, on the Susquehannah, and the amount of coal, gypsum, salt and merchandize of all sorts that will pass and repass, cannot be calculated—but must be enormous. To get some idea of the vast importance of these contemplated improvements, the reader should have a good map of New York, &c before him—note the progress of population, and think of the commerce which the people must needs have with one another.

DOMESTICS. A merchant in New York advertises one hundred and fifty boxes, bales and packages of domestic goods, which he enumerates—such as Shirts, Sheetings, Demins, Drabets, Chambrays, Gingshams, Stripes, Sattinets, Cassimeres, Bed-tickings, Drillings, Checks, Flannels, Umbrellas and Parasols, &c.

HOMESPUN. A Charleston paper says—We had the pleasure of seeing and feeling a stout piece of cloth, of the quality called *grey kersey*, manufactured in the vicinity of Philadelphia. It is 6.4 wide, and, at the rate of \$1 50 per yard, is much cheaper than the common plains. It is warmer, stronger, more elastic, and twice as broad. A specimen is left at the library room.

GOON. Mr. Randolph says many good, many queer, and many crude or inappropriate things. Some time ago, speaking of the reprehensible custom of members of congress soliciting office, he

said, *in his own way*—"My feet, have never had the dust of anti-chambers on them: I was never seen waiting, cap in hand, *begging* a favor from a secretary, for myself or my friend. Mark that! Mr. speaker."

RIGHT. At a recent meeting of the inhabitants of Marion county, in the state of Illinois, it was

Resolved, That we consider the practice of soliciting the votes of electors, by the candidates for public office, either from favor or by flattery, promises, entertainment, treats or rewards, as anti-republican in its principle, injurious to the public peace, interest and morals, troublesome, degrading and corrupting, to the candidate; and we do resolve that we will withhold our support from those who shall resort to such practices in future.

VIRGINIA. The 13th of May, ensuing, will be fifteen years since a large concourse of the people of Virginia met at *James Town*, to celebrate the anniversary of the first landing on the shores of that state with a view to actual settlement. The festival lasted several days, and was honored by the presence of many of the most distinguished citizens of the commonwealth.

At that time it was resolved, that a quinquennial festival should be observed at James Town, to which the people of Virginia should be invited, and that each portion of five years should be called a *Virginian*. Preparations are making to celebrate the "3rd Virginian."

BREVET RANK IN THE ARMY. The attorney general of the United States has given an opinion, in the cases of brevet major generals Gaines and Scott, as to the amount of pay which they are entitled to receive—which applies also to all others holding brevet rank. It amounts to this—that said officers are entitled only to the pay which belongs to their rank in *command*—if they had a command according to their brevet rank, they would receive the pay of major generals, but that these gentlemen are now no more than brigadier generals, and to be paid as such. The act of congress fixing the peace establishment, clearly determined that it should have only *one* major general, though it appears that generals Gaines and Scott have claimed pay as for that rank.

By a return of the adjutant general, there are seventy five officers at present in the army who hold brevet commissions for gallant conduct in battle and other causes.

"THE AMERICAN MERCURY," printed at Hartford, Con. has lately appeared in a much enlarged and highly improved form; and, though this furnishes evidence of the prosperity of the establishment, I must confess that an "indescribable something" caused me to view it with a certain degree of uneasiness, for its *old face* was as familiar to me as that of one of my own children. It is true, its *spirit* is not of changed—unchangeable, I would hope; but when familiarized to the habits, manners and appearance of an old and tried friend, we get in love with his peculiarities, knowing the goodness of his heart and the usefulness of his conduct—and fear lest his attention to novelties may divert him from a performance of the substantial benefits which he has been accustomed to confer upon us. For twenty five years I have been a pretty constant reader of the "Mercury," edited and published by the Messrs. *Babcocks*, father and son—the former a whig of the old revolutionary school, and the latter

brought up as at "the feet of Gamaliel"—and; with one or two exceptions, it is the last survivor of those publications which powerfully tended to mould my mind as it is now fashioned, and to impress opinions upon me which reflection and experience have indelibly stamped for truth.

The editor, in his address to his patrons, on the occasion stated, says—"It is now more than *thirty five years* since the AMERICAN MERCURY was first established—during the whole of which period it has maintained one steady straight-forward course. In its political character 'there has been no variability nor shadow of turning.' To promote the best interests of our country, by supporting her republican institutions, has ever been its constant aim." This is true,—at least for the five and twenty years that I have known it and been improved by it. In the darkest times, it was a light in the east; and, through "persecution and much tribulation," kept the even tenor of its way—generous and gentle, but steady and resolute as time. Perhaps, no work ever published was more *consistent* for so long a period. "Principles and not men," was the maxim that had supremacy in its management, and the correctness of its politics has been fully tested by their success. Others papers may have existed before it, or been established since, more deserving of notice for talents displayed in conducting them; but for steady adherence to principle, unawed and unswayed,—surely none can claim superior merit. We are glad to believe that it prospers; the habit of seeing its new face will reconcile us to its altered appearance, when we reflect that its means to be useful are extended thereby. There are several very valuable newspapers now published in Connecticut, over which the "Mercury" has no present claim for preference—nor would we wish to exalt it at the cost of any of them; but, in our political character, we have a filial affection for it, and it seemed as if we could not refrain from expressing ourselves as we have done—in the hope that we ourselves, as well as others, may be incited to love constancy and persevere in truth, though the way shall sometimes be so gloomy as to tempt us to despair. Many things have happened within a few years, much at variance with the doctrines of economy and responsibility, that were so powerfully urged in *old times*; but that we shall not return again to the "principles of the revolution," there is no reason to fear,—and we trust that there never will be centinels wanting to stem the *passing, raging current*, as firmly as the "Hartford Mercury" has done.

"CASE OF GEORGE P. TORRENCE, acting as president judge of the ninth circuit of the court of common pleas of the state of Ohio, considered as violative of the constitution of the state—by James W. Cazlay." This is the title of a pamphlet just received from a friend in Ohio. The following extract will shew the amount of the case:

"The general assembly of the state of Ohio, during their session of 1818, appointed GEORGE P. TORRENCE, then a sitting member of their body, to fill the office of president judge of the ninth circuit of the court of common pleas. The ninth circuit was created or formed by the same assembly a few days before the appointment; and the term of George P. Torrence, as such sitting member, had not expired when the circuit was created and the appointment made.

"The following is the clause of the state constitution relating to this case, (viz.) "No senator or representative shall, during the time for which he

shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time."

"This section is literally transcribed from the 6th section of the 1st article of the constitution of the United States. The day after the appointment of George P. Torrence, the house of representatives, having reflected on the subject, came to a resolution that the appointment was unconstitutional, and voted its re-consideration. In this vote the senate, at that time, did not see fit to concur, and the member took the oath of office to support the constitution, and assumed the functions of a judge. The subject was of too much importance for repose: it was directly taken up by the most respectable editors in the state, protested against, and pronounced unconstitutional. It was brought before the supreme court of the state, by an application for a writ of *quo warranto*. That court dismissed it for want of jurisdiction, carefully avoiding any expression of opinion in favor of the appointment. It was again discussed in the public prints, and pronounced aagrant outrage on our constitution.

"At the last session of the general assembly, it came before that body under various shapes, and was discussed in both houses. In the senate a bill passed to abolish the 9th circuit.* This being considered by that body as the most feasible plan for the removal of an obnoxious and unconstitutional intruder. The house of representatives had the subject several times under consideration; in the course of which its leading members, some of whom have filled the first offices of the state, all concurred in declaring the appointment unconstitutional. The bill from the senate was finally lost in the house, 36 to 32, for reasons which have no connection with the constitution, and which are purely local."

"The argument on the case is a good one—but we should suppose that argument about it was not necessary. It is one of those plain common-sense transactions that is best presented without much comment. The only thing, we should suppose, that can be urged by the other side, is the *inviolability and infallibility* of the judicial character.—"Once a judge always a judge," is the *practice* under our system, without much regard either to the manner in which the office may be obtained, or that in which its duties are performed. If a regard for the constitution and his own sense of propriety, shall not induce Mr. Torrence to resign—(admitting that the case is fairly represented), we cannot see what remedy the people of Ohio have but that of *un-judging* him, by abolishing his circuit. And there is a want of dignity in such proceedings. It is true, that we, in Maryland, have had our *constitution* altered to turn one man out of office, merely on account of his political principles—but such proceedings must have some extreme necessity to justify them. One great difficulty seems to present itself in the present instance—if it shall be determined that the appointment of Mr. Torrence is unconstitutional, what will become of his acts and determinations as a judge? Can they be legalized by a special act of the legislature? These are questions of much "pith and moment," and hold out the prospect of a glorious harvest to be reaped by gentlemen of the bar.

The writer of the pamphlet concludes by requesting the people to examine and determine for themselves, "whether it can be safe, prudent or patriotic, longer to pay any regard or respect to the acts of George P. Torrence as president judge." This would be a course that could hardly be approved of: yet there is always a point at which resistance to oppressive laws, or the usurpation of powers not granted, should commence. Without recourse to this, nations and individuals must become, or ever remain to be, slaves; and the doctrine of "legitimate sovereigns" be fully established. What is called *rebellion* by one side, is considered as *revolution* by the other. When the English expelled a king and imported a Dutchman for a master, they called it a "glorious revolution"—but when the people of the United States had resolved to set up a government for themselves, the English said that the Americans were rebels.

The practice of transferring persons from legislative to executive or judicial offices is growing upon us, and strikes at the interests of the people most pointedly. It is this that has rendered the British parliament a mass of living corruption, and that sends so many speech-makers to our national and state legislatures. Office is their object, and when they have sold off their ayes they sell off their noes—always in readiness for the highest bidder. As our constitutions, though many are apparently well guarded on this subject, have failed to accomplish the design of their framers, the people must take the matter up, and pronounce him a bad man who confers another office on a legislator during the term for which he was elected, and him also, as unworthy of confidence, who receives one under such circumstances—unless the manifest expediency or absolute necessity of the procedure can be shewn. There is no security in the promises of men, in cases of this nature. When *Castlereagh* was a candidate for the Irish parliament, he took an oath in public before the people, that he would not accept of any office from the crown—and then laughed at them for believing that he meant to keep it.

CLERKS—AT WASHINGTON. A list of the clerks employed in the public offices at Washington is annually published, shewing also the amount of compensation paid to each of them. In every branch of the business of a department, there is a chief clerk, who receives 2000, 1700, or 1600 dollars a year, according to the duties or responsibilities of his station; the latter sum is also paid to many other clerks, as the second grade in the most important sub-divisions of business. The other rates of pay are 1400—1150—1000—800; about one half of the whole number being at 1150 or 1000. The following may be interesting for reference.

IN THE DEPARTMENT OF STATE—12 CLERKS.
Amount of salaries 15,900 dollars—For extra services 1112 dollars.

IN THE TREASURY DEPARTMENT—171 CLERKS, viz:
In the secretary's office 8 clerks, who received, \$10,233.

In the 1st comptroller's—15 clerks, pay 17,850.
In the 2nd comptroller's—9 clerks, pay 9,750.
First auditor's—13 clerks, pay 14,700.
Second auditor's—16 clerks, pay 16,597.
Third auditor's—26 clerks, pay 28,600.
Fourth auditor's—13 clerks, pay 15,050.
Fifth auditor's—12 clerks, pay 14,200.
Treasurer's—6 clerks, pay 6,450.
Register's—24 clerks, pay 22,350.
General land office—29 clerks, 22,550.

*This bill was passed to get clear of the judge, as it appears; but the house, equally anxious to accomplish that purpose, feared other inconvenience if they should sanction it. [Ed. Reg.]

Total clerk hire paid in this department in 1821, \$178,330. Some of those on this list were not permanent, or at least were not employed all the year. The same remark will apply to other departments.

IN THE DEPARTMENT OF WAR—45 CLERKS, viz.

In the department (proper)—20 clerks, pay \$24,110.

Adjutant general's office—2 clerks, pay 2,150.

Engineer office—2 clerks, pay 2,150.

Ordnance—4 clerks, pay 2,949.

Commissary of subsistence 2 clerks, pay 2,150.

Surgeon general—1 clerk, pay 1,150.

Paymaster general—11 clerks, pay 7,299 (several of these were temporary.)

Commissary of purchases—3 clerks 2,800.

IN THE NAVY DEPARTMENT—6 CLERKS.

Amount of salaries \$8,200.

Navy commissioners office, 7 clerks—pay 7,550.

GENERAL POST OFFICE—27 CLERKS.

Amount of salaries, paid (the highest \$1,700) 22,700.

Several of those were employed only for short periods: the regular clerks appear to amount to 23.

FORTIFICATIONS. A report, signed "Alexander Macomb, major general and chief engineer," in answer to certain queries propounded by the military committee of the house of representatives, furnishes the following particulars:

The works at *Old Point Comfort* are estimated to cost \$816,814 are three fourths done, and have cost 605, 98 dollars—they are to mount 200 32pr. and 120 18pr. cannon and 60 large mortars; and to require 2625 men during war and 600 in peace.

Those on the *Rip Rap Shoal* to cost 904,355, one third done, 313,225 dollars expended—to mount 108 32pr. 54 24pr. and 54 18pr. cannon; and to require 1,130 men in war and 200 in peace.

Those at *Mobile Point* to cost 693,292, nearly one fourth done, 158,067 dollars expended—to mount 54 32pr. 54 18pr. cannon and 10 mortars; and to require in war 900 men and in peace 100.

Those at *Dauphin Island* to cost the same, four thirteenths done, to mount the same number and weight of ordnance, and to require the same quantities of men in war and peace.

Those at the *Rigolets* and *Chef Menteur*, each to cost \$264,516, about four fifths done, each to mount 33 32pr. and 25 18pr. cannon, and 6 mortars, and requiring 400 men in war and 80 in peace.

These expenses are estimated as for the completion of the works, previous to the reception of their armament or garrisons. It is observed, however, that the progress of the works on the Gulf of Mexico have not been proportionate to the amount expended, compared with that originally estimated, and given above, in consequence of unexpected difficulties.

By another report, in answer to certain enquiries of the committee of ways and means, it appears that the island or mole forming on the "Rip Raps" has wholly cost 327,205 dollars, and that 102,477 perches of stone have been deposited on the shoal—that a further deposite of 100,223 perches of stone is required; but, as the exterior of the mole is to be cased with large stones to resist the action of the sea, it is supposed that the cost of the latter will exceed that of the former amount deposited, in the sum of 60 or 80,000 dollars.

MILITIA. The secretary of war has furnished his annual abstract of the general returns of the

militia of the United States—most of the returns are not of later date than given in the statement published in the 20th vol. of this work, page 87. The aggregate then was 899,541 it now is 932,447.

The return of arms, &c. is so partial as to afford no certain idea of the amount on hand, fit for service—but it is large; not, however, near so large, or in proportion to the names on the muster rolls. These arms, &c. include only such as properly belong to the states.

GHOSTS. A young lady, aged about 21 years, lately died in consequence of a fright received from seeing, or supposing that she saw, something white, in a road along which she was passing; a little while after night. The practice of repeating tales of ghosts and hobgoblins to children, ought to be made criminal, and subject some to be publicly ducked as witches, and others to be legally whipped as knaves: for the impressions thus made on the mind of a child are hardly ever effaced—no more than controuled by the most philosophical and discreet among us. There may be ghosts—but I never saw one; nor did I ever know a person who said that he had seen one; and the idea held out that they are "as plenty as blackberries" cannot be too severely reprehended. There is no natural fear of spectres. I know a little boy that kept awake as long as he could hold his eyes open, to catch a ghost, which his father had promised him a quarter of a dollar for, if he would do; at last, he sagely concluded that there was none and went to sleep. And such would be the reasoning of every child, if it was not for the wretched practice of romancing and lying in their presence, or of frightening them to do this or to refrain from doing that.

BRITISH TAXES. The duty on tea in 1792 was ten per cent. it is now more than eight times as much being *one hundred per cent!* The duty on salt is 15s. per bushel, or thirty times its natural cost, and was *tripled* in 1805, when it was taxed at the rate of 5s. per bushel. The duty on leather, after being stationary for more than a century, was *doubled* in 1812. The total payments into the exchequer in 1793, on account of the permanent duties and temporary loans, amounted to £17,674,395. In 1804, they had increased to £49,335,958, or to nearly *three times* their amount in 1793. In 1808, exceeded the enormous sum of sixty six millions; and in 1820, in the *fifth year of peace* they amounted to £50,365,260, or to considerable more than their amount in the eleventh year of war.

CUBA. The arrivals at Havana during the year 1821, amounted to 1322 vessels, including 69 men of war, 42 of which were foreigners. Of the whole, 655 were American, 385 Spanish, 128 English, 72 French, 25 Dutch, 15 Brema, 13 Danish, 9 Hamburg, 6 Portuguese, 5 Swedish, 4 Sardinian, 3 pirates captured without flags 1 Prussian and 1 Hanoverian. 200 vessels were lately in the harbor waiting for the new crop. It appears that what is called the "canal of the harbor" is rapidly filling up; and it is apprehended that a 44 gun frigate will soon be in danger where the largest men of war were safe.

The merchants of Havana have lately subscribed 20,000 dollars, for the purpose of fitting out vessels to cruise against the pirates.

Letters of the 21st inst. received at Charleston and also at Philadelphia from Havana, announce that the measure which has been some time in con- sideration

plation, will now undoubtedly be carried into effect, having received the sanction of the cortes in Spain, and of all the authorities here, viz: That of establishing in this place a deposite for merchandise of every description, with the liberty of re-exportation to any quarter, and with every flag, on the payment of one per cent. on import, and one per cent. on export only. The term of such deposite will be any period under twelve months and a day."

ELEGANT EXTRACT. It would be well, indeed, if those who are twisting, quirking, finessing and cheating, to oppress or deceive their fellow men, would always keep the fact before their eyes, that—*"Life is short: the poor pittance of seventy years is not worth being a villain for."* What matters it if your neighbor lies interred in a splendid tomb? Sleep you with innocence. Look behind you through the tracks of time, a vast desert of unnumbered ages lies open in the retrospect: through this desert have your forefathers journeyed on, until wearied with years and sorrows, they sunk from the walks of man. You must leave them where they fell, and you are to go a little further, where you will find eternal rest. Whatever you may have to encounter between the cradle and the grave, be not dismayed. The universe is in endless motion; every moment big with innumerable events, which come not in slow succession, bursting forcibly from a revolving and unknown cause, fly over this orb with diversified influence."

BLAIR.

STATESMEN and lawyers are sometimes peculiar in their modes of expression. The reverend commissary, Blair, who projected the college in the province of Virginia, and was in England to solicit benefactions and a charter, relates, that the queen (Mary), in the king's absence, having ordered the attorney general (Seymour) to draw up the charter, which was to be given, with two thousand pounds in money, he opposed the grant, saying that the nation was engaged in an expensive war, that the money was wanted for better purposes, and he did not see the least occasion for a college in Virginia. Blair represented to him, that its intention was to educate and qualify young men to be ministers of the gospel, much wanted there; and begged Mr. attorney general would consider, that the people of Virginia had souls to be saved as well as the people of England. *Souls!* said he, *damn your souls! make tobacco!*—(*Franklin's Correspondence*, vol. I, page 150.)

CONSTITUTIONAL QUESTION. Judge Tucker, of the state of Missouri, has pronounced loan office certificates to be "*bills of credit*" within the meaning of the federal constitution; and, therefore, unconstitutional and void. This question came on in a case between the state and Wm. Carr Lane. The legislature of the state had made all debts due to the state, or to any country, and all fines, and the fees and salaries of all public officers, payable in the certificates of the loan office. The defendant had been convicted of an assault and battery, fined and committed to custody, until the fine and costs should be paid. He paid his fine, tendered the amount of the costs in loan office certificates, and prayed to be discharged. This motion was resisted on the ground that these certificates are bills of credit, and that the provision prescribing that costs shall be payable in that currency is unconstitutional and void. In examining this objection, judge Tucker goes into a long discus-

sion on the meaning of "*bills of credit*," and the evils which this clause of the constitution of the United States was intended to prevent. He contends that "the certificates of the loan office are within the mischiefs contemplated by the constitution in the prohibition of bills of credit: they are equally within the letter; they are bills; they are issued by the state; they are issued on the credit of the state, and, though in terms they are evidences of debt, yet in fact they are advances of the credit of the state." Finally, he decided that the "loan office itself is an unconstitutional institution, and all statutory contrivances to promote the circulation of its paper are unconstitutional, void, and of no effect."

Rich. Enquirer.

State of New York.—Summary of the census taken under the act of the legislature of this state, passed March 16, 1821, as reported by the secretary of state to the legislature.

Freeholders, owning freeholds to the amount of \$250 and upwards,	100,490
Freeholders, owning freeholds to the value of \$50 and upwards,	8,985
Persons not owning freeholds, but renting tenements to the yearly value of 5 dollars,	93,035
Persons not owning freeholds nor renting tenements, but who pay taxes, or serve in the militia, or work on the highways, or are exempt from militia duty, or from taxation,	56,877
Grand total,	250,387

Number of acres of improved land, occupied in this state,	5,717,494
Number of neat cattle,	1,215,049
horses	262,623
sheep	2,147,351
Yards of fulled cloth manufactured in the domestic way, the year immediately preceding	1,958,712
Yards of flannel and other woollen cloths, not fulled, manufactured in the domestic way, during the same year,	2,451,107
Yards of linen, cotton, or other thin cloths, manufactured in the domestic way during the same year,	5,635,985
Grist mills,	2,132
Saw mills	4,304
Oil mills	139
Fulling mills	991
Carding machines	1,233
Cotton and woollen factories	184
Iron works	107
Trip hammers	172
Distilleries	1,057
Asheries	1,262

The whole population of the state being 1,372,812, we have the following comparisons—

Of the whole population more than a *fourteenth* part are freeholders—a very extraordinary proportion, we should suppose: and shewing one of the great reasons why the state has so rapidly advanced in population and wealth.

There is not quite four and an half acres of improved land to each person.

The neat cattle are nearly as numerous as the people—there is about one horse for every six persons, and more than one sheep and an half for each of the whole population of the state.

The cloth manufactured in *families*, is equal to more than four yards for each individual. We should

have been glad if the quantity produced in the manufactories had been added; but perhaps, this may be made known to us when the account taken by the United States is published.

Commerce of Canada.—The importations into Quebec, for the year 1821, are stated in round numbers as follows.—Liquors, 246,000*l*; sugars, 40,000*l*; coffee, 6000*l*; teas, 34,900*l*; goods paying 2½ per cent. 536,000*l*; other goods (deducting articles re-shipped), 16,000*l*; total amount, 878,000*l*. The exportations during the same period, considerably exceeded 500,000*l*, exclusive of peltries; but the exportation of the staple commodities, or productions of the provinces, including new ships, are stated rather under 320,000*l*. The lumber shipments for the last year fall short of 1820, about 200,000*l*. The freights, says the Quebec Gazette, arising from the Canada trade for 1821, out and in, sickly as it appears to have been, will exceed 330,000*l*. All, or nearly all this sum goes to the ship owners in England, without a participation of profit to the Canadian. Only about 5000 barrels of flour appear to have been shipped for Great Britain; that small quantity, with the cost of wheat sent away this year, including freight, will exceed 100,000*l*, and will be locked up, in addition to shipments made in 1820, amounting perhaps to as much more. [*Com. Adv.*]

Bermuda.—We have more than once, within the last few months, mentioned the difficulties that have repeatedly taken place between the colonial governor and the people. At one time, our readers may recollect, the governor issued a mittimus, and committed several persons to prison, where they remained 16 days. Since that time, they have each brought actions against the jailor for false imprisonment, and two of the plaintiffs recovered verdicts of 500*l*. and the two others 250*l*. each.—The offence alleged by the governor, it was decided, was one which he had no right to take cognizance of, and when the warrant of his excellency was offered, by the defendant, as a plea of justification, it was refused by the court, on the ground of its illegality, his excellency having no right, either as governor, and commander-in-chief, or ordinary, to issue such warrant. We think his excellency had better make the best of his way back to England; for, with the people and the courts of justice against him, he can hardly expect many benefits to flow from his administration. *ib.*

MR. RANDOLPH. For the following address of this eccentric gentleman, to the "Freeholders of Charlotte, Buckingham, Prince Edward and Cumberland," we are indebted to the "Richmond Enquirer," of the 26th inst.

"*My Friends*—for such indeed you have proved yourselves to be through good and through evil report—I throw myself on your indulgence, to which I have never yet appealed in vain. It is now just five years since the state of my health reluctantly compelled me to resist your solicitations, (backed by my own wishes), to offer my services to your suffrages. The recurrence of a similar calamity obliges me to retire, for a while, from the field of duty, and if I shall find it impracticable to return by December next, my resignation, (already written), will be tendered to the governor in time to prevent your being unrepresented in the next session of congress. It would be offered now, but that the approaching close of the session would render a re-election nugatory as to present purposes. The state of my affairs, (as is well known to some of you),

requires my presence at home—but self preservation imperiously enjoins a suspension of all business whatsoever: and, indeed, with all my deficiencies for the station in which your partiality has been pleased to place me, I have never yet postponed your interests to my own.

Should the mild climate of France and the change of air restore my health, you will again find me a candidate for your independent suffrages at the next election, (1823.)

I have an especial desire to be in that congress, which will decide, (probably by indirection), the character of the executive government of the confederation for at least four years—perhaps forever: since now, for the first time since the institution of this government, we have presented to the people the army candidate for the presidency, in the person of him, who, judging from present appearance, will receive the support of the bank of the U. States also. This is an union of the purse and the sword with a vengeance—one, which even the sagacity of Patrick Henry never anticipated, in this shape at least. Let the people look to it, or they are lost forever. They will fall into that gulf, which, under the artificial, military and paper systems of Europe, divides Dives from Lazarus, and grows daily and hourly broader, deeper and more appalling. To this state of things, we are rapidly approaching under an administration, the head of which sits an *incubus* upon the state, while the lieutenants of this new mayor of the palace are already contending for the succession; and their retainers and adherents are with difficulty kept from coming to blows, even on the floor of congress. We are arrived at that pitch of degeneracy when the mere lust of power, the retention of place and patronage, can prevail not only over every consideration of public duty, but stifle the suggestions of personal honor, which even the ministers of the decayed governments of Europe have not yet learnt entirely to disregard. Should God spare me, you shall be informed how it has come to pass that, after settling the Florida question at the expense of a vast sacrifice of territory "south of 36½ of north latitude," we are yet embroiled with Spain—and, in passing, it may be as well to recollect that the command of the Red river and the Arkansas, (the gates of New Orleans), will have to be contested, not with the imbecile and puny government of Spain, but with a young and rising, and, therefore, ambitious republic.

Should it, however, be His WILL that we never meet again—be that will done on earth as it is in Heaven—Amen. JOHN RANDOLPH, of Roanoke.
On board the steam boat Nautilus, under weigh to the Amity, Saturday, March 16, 1822.

P. S.—I did not leave my seat until the fate of the bankrupt bill, (to which my mite was contributed), was ascertained. In case of need I was ready to vote on the third reading. J. R. of R.

☞ Letters, via New-York, to the care of the postmaster, will reach me. My address is "care of John and William Gilliat, London."

SPANISH CLAIMS. The board of commissioners, appointed under the 11th article of the treaty of amity, settlement, and limits, between the United States of America and his Catholic majesty, concluded at Washington, on the 23d February, 1819, have passed the following orders—of which those concerned are desired to take notice:

"*Ordered*, That all persons having claims to be received by this commission, memorials of which have not yet been filed, do file a memorial of their

said claims with the secretary, *on or before the TENTH day of June next; after which date no memorial will be received by the board, unless good cause be shown why the same has not been before exhibited, in pursuance of the repeated orders requiring the same to be presented.*

"It is further *Ordered*, That each of the said memorials hereby required to be filed, shall be prepared and verified in conformity with the directions prescribed in the orders of the 14th June, 1821.

"It is further *Ordered*, That the secretary cause the above orders to be published in the National Intelligencer, printed at Washington."

On the 11th inst. the board adjourned to meet again on the 11th June next.

By order, T. WATKINS, Secretary.
11th March, 1822.

Commerce of the United States.

Upon a review of the abstracts contained in our last, we find that one summary statement was omitted which we intended to have inserted, as follows:

Quantities of domestic articles exported in the year 1821.

	Quantity.	Value.
Fish, dried or smoked	<i>gals.</i> 267,305	\$78,778
— pickled	<i>bbls.</i> 76,429	264,813
Spermacetti oil	<i>gals.</i> 7,250	5,340
Whale & other fish oil	<i>do.</i> 1,068,025	348,991
Spermacetti candles	<i>lbs.</i> 424,952	169,777
Wood, various*		1,458,181
— manufactures of		169,715
Tar and pitch	<i>bbls.</i> 71,196	314,660
Rosin and turpentine	" 79,213	
Ashes, pot and pearl	<i>tons.</i> 8,353	889,348
Furs and skins		766,205
Ginseng	<i>lbs.</i> 352,992	171,786
Beef	<i>bbls.</i> 66,887	698,323
Tallow	<i>lbs.</i> 81,691	
Hides	<i>no.</i> 13,558	
Horned cattle	" 5,081	190,287
Butter and cheese	<i>lbs.</i> 1,835,455	
Pork, hams, &c.†		1,354,116
Horses 853, mules 94		59,830
Sheep	<i>no.</i> 11,117	22,175
Flour	<i>bbls.</i> 1,056,119	4,298,043
Indian corn	<i>bush.</i> 607,277	261,099
— meal	<i>bbls.</i> 131,669	345,180
Wheat, other small grain, and rye meal		123,388
Biscuit 47,509 barrels, 51,370 kegs		157,389
Potatoes	<i>bush.</i> 90,889	30,500
Apples	" 68,643	39,966
Rice	<i>tierces</i> 88,221	1,494,307
Cotton, Sea Island	<i>lbs.</i> 11,344,066	20,157,484
— other	" 113,549,339	
Tobacco	<i>hhdls.</i> 66,858	5,648,962
Flaxseed	<i>bush.</i> 264,310	420,202
Hops	<i>lbs.</i> 319,501	18,498
Wax	" 241,909	85,654
Beer, &c. 87,592 gals.		120,561
14,456 doz.		
Spirits, from grain	<i>gals.</i> 167,422	

*25,500 M. staves and heading; 53,583 do. shingles; 76,244 M. feet boards and planks; 15,220 tons hewn timber; other lumber worth \$90,521. In addition to the above, masts and spars to the value of 54,627; oak bark and other dyes 139,534 dolls.

†66,647 bbls porks; 1,607,506 lbs. hams and bacon, 3,996,561 lbs. lard, 7,885 hogs.

Boots	<i>pairs</i>	3,392	263,258
Shoes	"	181,889	
Tallow candles	<i>lbs.</i>	1,453,628	661,409
Soap	"	3,915,272	
Snuff	"	44,552	149,083
Manufactured tobac.	"	1,332,949	
Lintseed oil	<i>gals.</i>	16,570	20,532
Spirits turpentine	"	19,016	
Brown sugar	<i>lbs.</i>	24,592	1,975
Cables and cordage	<i>cwt.</i>	2,384	26,562
Lead	<i>lbs.</i>	56,192	3,512
Nails	"	941,080	70,270
Spirits fm. molasses	<i>gals.</i>	840,761	280,648
Sugar refined	<i>lbs.</i>	156,527	24,051
Chocolate	"	10,369	2,166
Gunpowder	"	289,559	56,919
Indigo	"	1,004	714
Whale bone	"	16,349	1,489

Other articles, in which the quantities are not designated Value given in dollars: Household furniture 179,436; coaches and other carriages 20,360; hats 63,363; saddlery 41,172; leather 243,555; castings and manufactures of iron, except nails 57,813; copper and brass, and copper manufactured 26,694; medicinal drugs 44,998. Articles not enumerated—manufactured 492,009; raw produce, 215,742.

NOTE—showing the chief destinations of some of the principal articles.

Fish, &c. French W. Indies, Cuba, Hayti, Spain, Dutch West Indies, Brazil, &c.

Oils — to Hanse towns, Holland, Spain, Cuba, Sweden, Brazil, French W. Indies.

Lumber—to British American colonies, Cuba and other W. India islands.

Naval stores—to England, two thirds of the whole.

Ashes—to England and British American colonies, three fourths of the whole; to Holland and France nearly all the rest.

Skins and furs—half to England, the rest chiefly to the Hanse towns and China.

Beef, &c.—to British N. A. colonies, Cuba, Hayti, and other W. Indies. Butter and cheese the same.

Pork, bacon, &c. the same.

Flour—to Cuba, Hayti, British N. A. colonies, Brazils, W. Indies generally. Other meal and grain, the same; also biscuit, potatoes, apples, &c.

Rice—to England, Hanse towns, Cuba, Hayti, Holland, France and W. Indies generally.

Cotton—all the sea-land, except about 500,000 lbs. to Great Britain and Ireland; the rest to France. Other, about 77 millions to Great Britain and Ireland; 27 do. to France, 4 do. to Holland; Italy and the Hanse towns, less than a million each.

Tobacco—one third to England, &c. 13,216 hhdls. to Holland; 10,472 to Hanse towns; 7,042 Gibraltar; 3,478 to France, 2,450 to Spain; 1,491 Italy and Malta; 1,296 Sweden; French W. Indies 1,000—all else under 1,000.

Flaxseed—to Ireland. Hops—to England and Hanse towns.

Manufactured articles, chiefly to West Indies and South America.

☞ To conclude all that we think it necessary to take from the document, we add the following summary, for which we are indebted to the labor of a brother editor—who says:

"We have extracted from this report a number of items which may be interesting, particularly to our mercantile readers. In making the selection, we have taken the most important articles, and have considered the excess of importations over exportations as the quantity consumed or manufactured in the country during the year. This may not be critically exact, but will probably approach very

near to certainty. We have also stated the comparative amount of business between the West India colonies of several European powers.

	<i>lbs.</i>	<i>Value.</i>
Coffee, imported	21,273,659	\$4,489,970
exported	9,387,556	2,087,479
Remaining for consumption of the U. States	11,886,054	2,402,491
Teas, imported	4,975,646	1,322,636
exported	389,423	242,372
Remaining, &c.	4,586,223	1,080,264
Sugars, (all kinds) imp'd	59,515,701	3,553,895
exported,	20,061,725	1,549,323
Remaining, &c.	39,453,976	2,004,567
Wines, of all kind imported	<i>galls.</i> 3,215,142	1,873,464
exported	329,732	240,929
Remaining, &c.	2,885,410	\$1,632,535
Spirits, of all kinds, imp.	3,657,150	1,804,798
exported	294,237	176,392
Remaining, &c.	3,962,913	\$1,628,406
Molasses, imported	9,086,982	1,710,227
exported	59,421	11,232
Remaining, &c.	9,047,561	\$1,707,995
Iron, bar, sheet, rolled and pig castings, anchors, tacks and nails, imported		\$1,415,557
exported		75,794
Remaining, &c.		\$1,339,363
Silk goods, imported		4,486,924
exported		1,057,253
Remaining, &c.		\$3,429,691
Woolens, stuffs, blankets and rugs, imported		7,238,954
exported		379,252
Remaining, &c.		\$6,859,702
Cotton piece goods, printed, colored and white, imported		6,877,812
exported		700,003
Remaining, &c.		\$6,177,709
Nankeens, imported		361,978
exported		874,608
Nankeens exported this year beyond the importation of the year		\$512,630
Gold and silver coin and bullion exported according to custom house returns		\$10,478,059
Do. do. imported		8,064,890
Exported more than imported		\$2,413,169
To this may fairly be added the amount exported beyond what was imported, and where neither were entered at the custom house		586,831
		\$3,000,000

Of coffee, teas and sugar, more than fifty-five millions of pounds, and which cost about five millions and a half of dollars, appear to have been consumed during the year.

About six millions and a quarter of gallons of wine and spirits, were used for home consumption;

and if to this be added five millions of gallons of spirits probably manufactured from molasses, the whole quantity of foreign spirits, and spirits made of foreign materials, and wine used in the United States, will probably exceed eleven millions of gallons, and cost almost five millions of dollars.

The value of coffee, teas, sugars, wines, spirits and molasses consumed during the year is 10,446,258 dollars.

The value of silk goods, woolens, stuffs, blankets and rugs and cotton piece goods, printed, colored and white, consumed, is 16,467,202 dollars.

Comparative statement of the commerce between the United States and the West India colonies of several European powers.

	<i>Imported into the U. S.</i>	<i>Exported from U. S.</i>
Swedish West India	\$611,116	\$560,226
Danish do.	1,983,574	1,801,779
Dutch do.	860,950	683,043
British do.	927,346	265,102
French do.	900,619	896,435
Spanish do. exclusive of Cuba	847,691	415,546
	\$6,126,296	\$4,622,131
Cuba	6,584,589	4,540,680

It appears that our commerce with Cuba exceeds that which we have with all the West India colonies of all the European powers; this is a striking illustration of the magnitude of our trade with that opulent and productive island.

Hayti \$2,246,257 \$2,270,601

Army of the United States.

Report of the adjutant general, James Gadsden, Jan. 2, 1832, of the army of the United States under the command of maj. gen. Brown—laid before the house of representatives, March 12, 1832. [ABSTRACT.]

GENERAL STAFF.

Major general	1
Brigadier generals	2
Quarter master general	1
Adjutant general	1
Inspectors general	2
Com. gen. of subsistence	1
Quarter masters gen.	2
Topographical engineers	6
Assistant do.	2
Com general of purchases	1
Surgeon general	1
Paymaster general	1
Paymasters	14
Surgeons	8
Assistant do.	45
Military store-keepers	13

Aggregate 103

ACADEMIC STAFF OF CADETS.

Assistant engineer	1
Professor of N. and E. Philosophy	1
do. of Mathematics	1
do. of engineering	1
Chap. and prof. of Ethics	1
Assistant professor	1
Teachers of French	2
Teacher of drawing	1
Sword master	1
Cadets	241

Aggregate 251

STRENGTH OF THE ARMY, BY REGIMENTS AND CORPS.

Corps of engineers	Total	23
Four regiments of artillery		1977
Seven regiments of infantry		3367
Ordnance men		53

Men 5,420

OFFICERS NON. COM. OFFICERS AND PRIVATES.

	For duty.	Sick.	Extra duty.	In arrest.	Absent.	Total.
Colonels	7	0	0	0	4	11
Lieut. colonels	6	0	0	0	5	11
Majors	7	0	0	0	5	12
Captains	53	5	0	0	34	97
First lieutenants	59	4	5	5	119	260
Second lieutenants	68					
Sergeant majors	8	0	0	0	0	8
Qr. M. Sergeants	8	0	0	0	0	8
Principal musicians	13	0	0	0	0	13
Hospital steward	1	0	0	0	0	1
Sergeants	212	29	19	6	19	285
Corporals	226	44	19	9	25	323
Musicians	144	11	0	4	10	169
Artificers	59	4	0	2	2	67
Ordnance men	53	0	0	0	0	53
Privates	2474	473	215	166	249	3577

The army is distributed at about fifty posts and places along the sea-coast and inland frontier, which it does not seem necessary to detail just now, having several times before given a list of the posts, &c. in this work. The following are the only places at which the troops amount to or exceed 100 men.

At Fort Independence, Boston	114
Harbor of New York	113
At Sackett's Harbor	524
Green Bay, Michigan	429
Chicago	102
Norfolk	106
Nachitoches	251
Baton Rouge	292
Fort Smith (Arkansas)	194
St. Marks' (Florida)	120
Pensacola	645
Council Bluffs	535
St. Peter's	369

South American States.

At the head of the documents that accompanied the late message of the president, recommending an acknowledgment of the independence of the South American republics, is the following letter from the secretary of state to Mr. Forbes, on his appointment as commercial agent at Buenos Ayres. It may shew the previous ground that had been assumed by our government, and is therefore important.

From the secretary of state to Mr. John M. Forbes, at New York.

DEPARTMENT OF STATE, 5th JULY, 1820.

SIR: The certificate from this department, which has been made out and transmitted to you, constitutes you agent for commerce and seamen, for either of the provinces of Buenos Ayres or of Chili, in whichever of them Mr J. B. Prevost shall not be. He is at this time at Buenos Ayres, but having at one period intimated to the president a preference to return to Chili, where he some time resided, it is thought due to him to leave the selection

of his residence, after your arrival at Buenos Ayres, to himself. Should he determine to continue there, you will proceed, either by land over the Andes, or in the frigate Constellation round Cape Horn to Valparaiso, and take up your residence there, or at St. Jago de Chili, which is understood to be the seat of the revolutionary government of that province. If he should prefer to return thither, you will remain at Buenos Ayres.

The commercial intercourse between the United States and those countries, though not very considerable, is deserving of particular attention. Whatever accurate information you can obtain, relating to it, as well as to the commerce of those countries with other nations, and of their internal trade, will be particularly acceptable; the condition of our seamen there will also deserve your notice. The performance of these duties will involve also the political relations between those countries, and U. S. In the progress of their revolution, Buenos Ayres and Chili have, to the extent of their powers, and indeed, far beyond their natural means, combined maritime operations with those of their war by land. Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect either the rights or the duties of the nations to which those foreigners belonged. The privateers, which, with the commissions, and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions both for the ships and officers have been sent. In the instructions to the late commodore Perry, which his lamented decease prevented from being executed by him, and a copy of which is now furnished to you, certain articles in the Buenos Ayrean privateering ordinance were pointed out, particularly liable to the production of these abuses, and which, being contrary to the established usages among civilized nations, it was hoped would have been revoked, or made to disappear from their otherwise unexceptionable code. These instructions were renewed to commodore Morris, but the time of his stay at Buenos Ayres was so short, and he was there at a moment of so great a change in the ruling power of the state, that, although he communicated to the then existing director the substance of the representations which commodore Perry had been instructed to make, we know not that it was attended with any favorable result. You will consider the parts of commodore Perry's instructions, which may be still applicable on your arrival in South America, as directed to yourself; and should you proceed to Chili, will execute them there; no communication upon the subject having yet been made there. Among the inconveniences, consequent upon this system of carrying on maritime warfare by means of foreigners, has been occasionally, and to a considerable extent, the enticement of seamen, belonging to merchant vessels in the ports of Buenos Ayres and Chili, from their engagements; to enlist them in privateers or public armed vessels of those countries. In attending to the numerous trials and convictions for piracy, which have recently afflicted our country, and cast an unusual gloom over our annals, you will remark that a great proportion of the guilty persons have been seamen thus engaged—foreigners at Buenos Ayres, or enlisted in our own ports, in violation of our laws. Whether at Buenos Ayres or in Chili, you will use every exertion in your power, consis-

tent with the respect and conciliatory deportment, to be constantly observed towards the existing public authorities, to protect the seamen of the United States from all such enlistments, and the owners and masters of the merchant vessels from time to time arriving there, from the loss of their men by such means.

The commercial digest of the laws of foreign countries, with which the United States are in relation, a copy of which has been furnished you, may suggest to you the nature of part of the information which is desirable from South America.

Political information will be equally acceptable—the more particular and correct the information of this nature, which you can obtain, the more acceptable it will prove. Besides the struggle in South America, for independence, against which Spain is the only opposite party, internal feuds and civil wars have peculiarly marked every step of the revolutions in progress upon that theatre. As an agent and citizen of the United States, the first advice I shall give you is, to observe and report, with all the vigilance and discernment and penetration and fidelity to your own country, that you possess, the movements of all parties, but to make yourself a partizan to none. From the documents lately received here, it is apparent that a negotiation has been some time on foot between the late government of Buenos Ayres and France. It is well known that a negotiation of much longer standing has existed between the same government and Portugal; nor has Mr. Rivadavia been residing two or three years to no purpose in England. To ascertain the real movements of all these parties, a neutral position, a neutral heart, and an observing mind, are indispensable. In recommending it to your attention, I would add the caution, neither to take upon trust what any man shall tell you, without asking yourself what it is his interest or wish that you should believe; nor to give more weight to conjectures, than the circumstances under which they are formed will warrant.

By the latest accounts that we have received, the government, the congress, and the constitution, of the province of La Plata were overthrown; the province of Buenos Ayres stood alone, with Don Manuel de Sarraate, as governor, at its head. They were in negotiation with general Artigas, of the Oriental Banda, and with general Ramirez, commander of the Monteneros. In what those negotiations will result, we are to learn hereafter; and what their effect will be upon the relations of all with the Portuguese at Monte Video, is yet to be seen.—Should you remain at Buenos Ayres, we shall expect full communications from you as frequently as opportunities for transmitting them may occur. I am, &c.

JOHN QUINCY ADAMS.

John M. Forbes, esq.

Hemp and Flax Machine.

Report of the committee on agriculture, on the petition of Anthony Dey and James Macdonald.

HOUSE OF REPRESENTATIVES, MARCH 12, 1822.

The committee on agriculture, to which was referred the petition of Anthony Dey and James Macdonald, report: The petition alleges, that the said Macdonald, at the expense of the said Dey, has invented and constructed a new and useful machine for breaking and cleaning of hemp and flax, in an unrotted state, and that the said Dey has discovered the means by which hemp and flax, after being cleaned in an unrotted state in their machine, may be bleached by a process hitherto

unknown; that they believe their method of dressing hemp and flax is of very great importance to the agricultural interest of the country, and, therefore, ask an extension of the exclusive right to make, construct, use and vend to others to be used, the said invention and discovery.

From the evidence adduced by the petitioners, it appears, that they have invented a machine for breaking and cleaning hemp and flax, in an unrotted state, which is different in its principles and construction from any machine that ever has been used for that purpose, and that the said Dey has also discovered a process, never before used, for bleaching hemp and flax after it has been dressed in an unrotted state. And, also, it appears by the certificates of respectable gentlemen, who have witnessed the operation of the machine, that it will, by the power of one horse, with the assistance of one man and three boys, separate the integument and wood from the fibrous parts of the hemp and flax plants, and clean the same, at the rate of one pound in a fraction of time over a minute, fit for bleaching.

The petitioners further assure us, from the operation of one machine by horse power, with the attendance of one man and three boys, from 1600 to 2000 lbs. of unrotted hemp or flax, may be cleaned in a day, yielding from 400 to 500 lbs. after it is bleached; and that, by the addition of another machine, which can be moved by the same horse, with the addition of one man and one boy more, from 800 to 1000 lbs. may be cleaned at an expense not exceeding five dollars. And the committee are informed by Mr. Dey that one man can bleach 350 lbs. of hemp or flax, after it has been cleaned by their machine, in a day, at an expense of one dollar and seventy five cents for the article which he uses in the process.

From these calculations, it appears that any quantity of unrotted hemp or flax, taken from the field, where it is raised, may be broke, cleaned and bleached, at a rate of less than two cents per pound, delivered in a bleached state; and, allowing one cent per pound for the plant, as it comes from the field, the whole cost, (except for the wear of the machine), in growing this valuable plant, and breaking, cleaning and bleaching it, will be less than six cents per pound. The committee are not informed what the cost of hatcheling or combing it, (which is done after it is bleached) and preparing it for the manufacturer, would be, but presume it will not exceed two cents per pound. If the information the committee have received, and their calculations, are correct, either hemp or flax may be raised, dressed and prepared for the best manufacture, at an expense of eight cents, and not exceeding in any case, ten cents per pound.

By the experiments of the petitioners, and others, it is found that flax, dressed and hatcheled in the ordinary way, after it has been dew-rotted, yields nine pounds from one hundred pounds of the plant which has been rotted, being sixteen pounds less than is produced from one hundred pounds of unrotted flax, cleaned and bleached by the method which the petitioners have discovered. But no experiments have yet been made to determine the difference in the weight of the plant, before and after it is rotted; therefore, it cannot now be ascertained how much will be saved, in quantity, by this method of breaking and cleaning it before it is rotted. It cannot, however, be doubted, that the common process of rotting flax, especially by dew, destroys or injures many of its fibres,

and, of course, the quality, as well as the quantity, must be, in some degree, diminished.

The committee have examined the machine, and have seen it operate, and believe it will prove one of the most important and valuable discoveries. The committee, have, also, examined the hemp and flax which has been bleached in this new method and hatched, and find that the colored matter and harshness of the fibres are removed, and that the flax is rendered very white, and as soft and fine as silk. This method of bleaching hemp and flax, it is believed, will be of great value to the grower and manufacturer of these plants.

Considering hemp and flax among the most valuable plants which can be cultivated in this country, and believing there is an abundance of soil in every state in the union which is well adapted to their culture and growth, the committee are highly pleased with the invention and discovery of the petitioners. If hemp and flax can be raised in this country, as easily and as cheap as in any other, and these inventions should prove as valuable as the committee believe they may, the cultivation of these plants will engage the attention of a large portion of the agriculturalists, and become exceedingly important to the United States. It may be seen, by the statement of the secretary of the treasury, of the quantity and value of merchandise imported, that, during the year ending on the 30th of September, 1821, 86,192 cwt. of hemp, valued at \$510,489 (being about \$120 per ton) hempen goods, of the value of \$226,174; duck and sheeting, of the value of \$894,376; cordage, of the value of \$107,867; and linens, bleached and unbleached, of the value of \$2,564,159, were imported into this country, amounting to \$4,302,963, and that the whole value of the exports of domestic and foreign produce of the same kind, amounted only to \$822,976, leaving the value of 3,479,187 in the merchandise produced from the hemp and flax plants to be consumed in this country.

As the petitioners desire an extension of time, and further protection than is secured by the patent law in its present form, and as it is the peculiar province of the committee on the judiciary to report any revision or amendment of that law which may be deemed necessary, your committee recommend the adoption of the following resolution:

Resolved, That the committee on agriculture be discharged from the further consideration of the petition of Anthony Dey and James Macdonald, and that it be referred to the committee on the judiciary.

Seventeenth Congress—first session.

IN THE SENATE.

March 22. On the motion of Mr. Johnson, of Ken. (who had been absent on business at one of the public offices when the vote was taken) the senate agreed to re-consider the case of George Shannon, and the bill was laid on the table. Mr. J. had introduced the memorial—and the bill had been indefinitely postponed contrary to the usual courtesy on such occasions.

After attending to some minor matters, the senate went into the consideration of executive business.

March 25. The bill "to abolish the United States trading establishment with the Indian tribes, and to provide for opening the trade to licensed individuals" was taken up. Mr. Benton spoke two hours in favor of the bill and against the present system of trade. Mr. Johnson, of Lou. ex-

plained the views of the committee that reported the bill; after which, the further consideration of the subject was postponed until to-morrow. Several bills from the other house were read, and sometime spent on the bill to perfect and make valid certain French and Spanish titles to land in Missouri. [This was further considered on the 26th and postponed until the next day.]

March 26. Mr. Thomas, from the committee on public lands, reported a bill supplementary to the act "to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" (a bill granting the prayer of the petition of Lefebvre, Desnoettes and others, French emigrants, who contracted for a body of public land in the state of Alabama, who pray that patents may be granted to them, individually, and to any others of the association, as they shall individually comply with the conditions required originally of the whole company.) The bill was read.

The bill relating to the Indian trade was debated, and its further consideration postponed until to-morrow.

Executive business occupied the remainder of the day.

March 27. The bill to abolish the present system of Indian trade, was taken up and debated at large, and then postponed until to-morrow.

The amendments of the other house to the bill to establish a government in the territory of Florida, were taken up, considered, and concurred in by the senate.

The amendment of the other house to the bill granting to the state of Alabama 3 per cent. of the nett proceeds of the sales of public lands therein, was taken up. The amendment proposes that before any part of the 3 per cent. be paid to Alabama, the amount due to Georgia under the Yazoo compromise, (about \$1,200,000), shall be first deducted therefrom.

Mr. Walker, of Alab. observed that if he understood the amendment correctly, on merely hearing it read, it would violate the compact between Alabama and the general government, and that no part of the nett proceeds of the sales of public lands in Alabama, could rightfully be applied to the object proposed; but to give him time to examine the subject more critically, he moved that the amendment be postponed until to-morrow; which motion was agreed to; and

The senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, March 22. After attending to a number of private claims, &c. the house resumed the consideration of the unfinished business of yesterday, (the bill to authorise the exchange of certain stocks.)

After adopting some further amendments, the discussion of which as well as of other propositions, among which was the reconsideration and rejection of Mr. Cambreleng's amendment, adopted yesterday, occupied much time,

The question was taken on ordering the bill to be engrossed and read a third time, and was *negatived* by a vote of 65 to 61.

So the bill was *rejected*; and the house adjourned.

Saturday March 23. Sundry resolutions being submitted, &c.

Mr. Baylies moved to re-consider the vote taken yesterday upon the bill to authorize the secretary of the treasury to exchange stocks bearing an interest of 5 per cent. for certain stocks bearing an interest of 6 and 7 per cent. He remarked that the

bill had been prepared with great care and attention, and, after much reflection, by the chairman of the committee of ways and means. It had been decided upon, when nearly 50 members were absent, and he thought it but fair that it should be reconsidered.

After some remarks, the motion to reconsider prevailed—66 to 61—[there being only one member more present now than when the former vote was taken]—and the further consideration of the subject was postponed until Tuesday next.

Some time being spent on various matters—the house went into committee of the whole, and passed over several private bills, &c. After the committee rose, the house ordered the bill from the senate, to authorize the state of Illinois to cut a canal, &c. to be engrossed for a third reading—[which was passed next day.]

Monday, March 25 Among the petitions this day presented was the following by Mr. *Milnor*:

"James Bennet, a mathematician of the city of Philadelphia, to the honorable the senate and house of representatives of the United States of America in congress assembled, most respectfully sheweth:—

That your petitioner, having invented a machine by which a man can fly through the air—can soar to any height—steer in any direction—can start from any place, and alight without risk of injury—and whereas a like machine has never been invented in any country or age of the world, so as to be applied to purposes of practical utility, and as it is more than probable that artificial flying would not, for a thousand years to come, be brought to the same degree of perfection, had not your petitioner, under Providence, accomplished it; and, as it must be evident to all that *letters patent* would be of little use to the inventor, in consequence of various modifications or improvements which might be made, and which never would have been thought of, had not the way first been opened by your petitioner: He therefore solicits a special act of the congress of the United States, to secure to him and his heirs for the term of forty years, or for such other term as in their wisdom may be deemed just, the right of steering flying machines through that portion of earth's atmosphere which presses on the United States, or so far as their jurisdiction may extend.

By granting your petitioner's request the honor of the invention shall be conferred on the United States.

J. BENNETT, A. and M.

Philadelphia, Feb. 13, 1822.

Mr. *Milnor* moved to refer the petition to the committee on the judiciary.

Mr. *Sergeant* opposed the motion. He said that that committee did not undertake to soar into regions so high. Their duties were nearer the earth. He moved to lay it on the table. *Negatived.*

Mr. *Walthorn* proposed to refer it to the committee on roads and canals—*negatived.* At last, it was laid on the table.

Some minor business was transacted.

The bill supplementary to the act to provide for persons engaged in the land and naval service of the United States in the revolutionary war, was taken up, and a great many amendments proposed and debated. It was reported to the house, proposed to be laid on the table and lost; and at last, ordered to be engrossed for a third reading to-morrow.

Tuesday, March 26. A bill to provide for the payment to the state of Missouri (extended so as to embrace Mississippi and Alabama) three per

cent. of the proceeds arising from the sale of public lands in the same, was passed and sent to the senate, as amended.

Mr. *Nelson*, of Mass. from the committee on expenditures of the public buildings, made the following report:

The committee on the expenditures on the public buildings, report: That it appears, from the statement of the commissioner of the public buildings, laid before the committee, that his disbursements on account of the centre building of the capitol, during the year 1821, were as follows, viz:

For materials,	\$32,209 50
freight, wharfage, drayage, tools,	
smith's bill, fuel, stationary, &c.	7,922 49
compensation to architect, clerk,	
and three persons at the head of	
carvers', stone cutters', carpenter's	
departments,	8,250 00
labor, including pay of five persons	
employed as foremen and overseers,	53,932 30

Amount expended on centre building of capitol in 1821, \$102,314 29

And there was expended upon the president's house, in the same year, the sum of \$5,405 32

" old executive offices 5,736 67

" ground round the capitol 2,017 56

Amount expended on the public buildings and Capitol Square, in 1821, \$115,473 84

[Here follows a statement of the unexpended balances and appropriations, and it is pleasant to observe that the order of congress has been very nearly obeyed in the disbursements.]

After other business—

The *speaker* laid before the house a communication from the treasury department, transmitting the required information relative to the progress which has been made at the treasury in the settlement of the post office accounts; which, on motion of Mr. *Butler*, was ordered to be laid on the table.

The *speaker* also laid before the house, two pamphlets which had been transmitted to him as speaker, by Monsieur Franchieu, a citizen of France, containing a project for the protection of the liberty of the press, which he desired to be laid before the house of representatives. They were ordered to lie on the table.

The bill, supplementary to the act to provide for persons engaged in the land and naval service of the United States in the revolutionary war, was read a third time.

Mr. *Alexander* called for the yeas and noes on the final passage of the bill; which were thereupon ordered, and the bill was passed by the following vote:

YEAS—Messrs. Allen of Mass. Allen, of Ten. Baldwin, Ball, Barber, of Ohio, Baylies, Blackledge, Bortland, Brown, Buchanan, Burrows, Butler, Cambreleng, Campbell, of N. Y. Cassidy, Chambers, Cocke, Colden, Condict, Conner, Cook, Crafts, Cushman, Cuthbert, Dane, Darlington, Dennison, Durfee, Dwight, Eddy, Edwards, of Pa. Findlay, Fuller, Gebhardt, Gist, Gorham, Gross, Harvey, Hawks, Hemphill, Hendricks, Herrick, Hill, Hobart, Holcombe, Jackson, J. T. Johnson, Kent, Keys, Kirkland, Lathrop, Leitch, Lincoln, Litchfield, Little, Long, Lowndes, McCarty, McLane, McNell, Meslerry, Mallory, Matlack, Matson, Mattocks, McCreer, Milnor, Mitchell, of Pa. Montgomery, Moore, of Pa. Morgan, Murray, Neale, Nelson, of Va. New, Newton, Overstreet, Patterson, of N. Y. Patterson, of Pa. Phillips, Pierson, Pitcher, Plumer, of N. H. Poinsett, Rankin, Reed, of Mass. Reed, of Md. Ellen, Rich, Rogrs, Ross, Ruggles, Russ, Russel, Sergeant, Sloan, S. Smith, W. Smith, Spencer, Sterling of Conn. Sterling, of N. Y. Stevenson, Stewart, Stoddard, Swa, Taylor, Tod, Tomlinson, Tracy, Trimble, Tucker, of S. C. Tucker, of Va. Upham, Vance, Van Rensselaer, Van Wyck, Walker, Walthorn, Warfield, Whitcomb, White, Williamson, Wilson, Wood, Woodcock, Woodsun, Worman Wright—125.

NAYS.—Messrs. Alexander, Archer, Bayly, Burton, Campbell, of Ohio, Cannon, Edwards of N. C. Garnett, Gilmer, Hooks, McCoy, McDuffie, Metcalfe, Moore, of Va. Moore, of Ala. Reid, of Geo. Sanders, Sawyer, Arthur Smith, Tassall, Thompson, Williams, of N. C. Williams, of Va.—23.

The house then agreed to consider the bill to authorize the secretary of the treasury to exchange certain stock bearing an interest of five per cent. for certain other stocks bearing 6 and 7 per cent.

Mr. Smith, of Md. proposed certain amendments to the bill, in order to meet the wishes of other gentlemen—the effect of which, if agreed to, will be to include in the stocks to be redeemed by 5 per cent. stock, the 6 per cent. stocks of 1814 and 1815, in addition to what is already embraced by the bill.

The amendments were ordered to be printed, and the further consideration of the bill postponed to Thursday next.

The house then resolved itself into a committee of the whole on the state of the union, (Mr. Condict in the chair), on a bill from the senate to establish a territorial government in Florida.

Many amendments were proposed and much debate took place—finally, the bill was ordered to a third reading to-morrow.

A message was received from the president of the United States; by the hand of Mr. Gouverneur, on the subject of the military fortifications at Dauphin Island and Mobile Point, accompanied by sundry documents. The message and documents were read and referred to the committee on military affairs, and the message ordered to be printed, And then the house adjourned.

Wednesday, March 27. Mr. M. Lane, from the committee on naval affairs, reported a bill to provide for instructing and disciplining the midshipmen in the navy of the United States, which was twice read and committed.

Mr. Milnor moved that the petition of James Bennet, (for special privileges, in relation to his new invented flying machine), be referred to a select committee, which was agreed to.

The house refused to consider a motion made by Mr. Reid yesterday, for placing a glass ceiling under the dome of the hall: as, also, a motion made by the same gentleman to replace the canvass lately covering the hall.

The bill establishing a territorial government in Florida was read a third time and passed; as was a bill concerning the commerce and navigation of the same.

Several bills were partially proceeded in, &c.

The house then resolved itself into a committee of the whole, (Mr. Mallary in the chair), on the bill to provide for delivering up persons held to labor or service in any of the states or territories, who shall escape to any other state or territory.

There was a good deal of debate or remark on this subject, by Messrs. Colden, Wright and Moore, of Va. Mr. Moore stated that the district which he represented sustained an annual loss of 4 or 5000 dollars by runaway slaves.

The committee rose, reported progress and had leave to sit again.

THURSDAY'S PROCEEDINGS—MARCH 28.

In the senate—considerable progress was made in several matters before that body, and there was much debate about the system of Indian trade, but nothing determinately acted upon.

In the house of representatives—The subject of vaccination, on the motion of Mr. Burton, was re-

ferred to a select committee, (the judiciary committee being released from a consideration of it), with a view to inquire into the expediency of abolishing the agency, &c. Mr. B. deprecated the idea of suffering, under the authority of our laws, hundreds to be slaughtered with indifference, &c. He thought that the vaccine agency was a mere nuisance, of the most dangerous kind.

A variety of private business and sundry small matters being disposed of, the house proceeded to consider the resolutions attached to the report of the committee on foreign relations, recommending the acknowledgment of the independence of certain late provinces of Spain, in America. Several members spoke in favor of these resolutions—the committee of the whole rose, and reported its proceedings to the house, and, some verbal amendments being made, the first resolution was passed by yeas and nays—yeas 159; nay, one—Mr. Garnett. The second resolution, granting an appropriation, was then taken up—there was some conversation about its amount, but it was passed unanimously. And the house adjourned.

CHRONICLE.

Counterfeit five dollar bills, of the Mechanics bank of New York, are in circulation, and so well executed that they have passed for six months without being discovered!

Lacoste, who was condemned at Boston to five years imprisonment and the payment of a fine of 3,000 dollars, for being engaged in the slave trade, has been pardoned, and the fine remitted, by the president of the U. S.

The *Cherokees* surprised an Osage village, in the absence of the warriors on a hunting excursion, and made about ninety prisoners of women and children, whom they murdered in a most horrid manner. This affair has been mentioned before, but it now comes to us in an authentic shape. Gov. Miller, of Arkansas, had ordered the Cherokees to be at peace—but they said their nation was free and independent, and at liberty to wage war or make peace at pleasure. It is probable that the authority of the U. States will be interposed to keep them quiet. These Cherokees are a part of the nation on the Tennessee river:—the party devoted to the hunter's life, who immigrated in 1817, under an arrangement with our government.

The *Polomac*, a new frigate of 44 guns, was safely launched at the navy yard, Washington, on Saturday last, in the presence of a large collection of people.

The U. S. schooner *Aligator* has captured a small piratical sloop, manned by twenty negroes.

The *Hornet's* prizes. The Colombian privateer, Centinella, and her prize, the French slave ship La Pensee, sent by capt. Henley, of the U. S. ship Hornet, into New Orleans, and there libelled, (the latter for salvage), have both been ordered to be restored to the claimants, with every thing found on board of them when they were seized by the Hornet. The judge's opinion shall probably be inserted. The question about damages and costs was reserved for further consideration.

Lead. A rich mine of this metal is said to have been discovered in the neighborhood of Cahawba valley, a little beyond the point of boat navigation and 100 miles from the town of Cahawba.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

The report of the select committee respecting the appointment of Mr. Thomas to examine certain land offices, shall appear in our next.

SMALL POX. Notwithstanding the great exertions that have been made, this disease is not suppressed in Baltimore. We had nine deaths by it last week. Yet Baltimore is the "head quarters" of vaccination—and vaccination, we feel confident, will eradicate the small pox. There is something wrong or rotten in this business.

EXPEDITION! The Leesburg "Genius of Liberty," of the 26th ult. says—"On Thursday last a gentleman of this town, received, per mail, Niles' Register of the 5th January, which has, undoubtedly, been on the road ever since the day of its date!"

FOREIGN NEWS. By an arrival at Charleston, we have extracts from Liverpool papers of the 3d of February. They give detailed accounts of several rencontres between the king's forces and the people in Ireland, generally attended with the loss of some lives—in some cases there was pretty severe fighting between small parties, but in one instance the "banditti," as they are called, were said to amount to 800 men.

A Liverpool paper of the 6th February, says—"There have been, in this neighborhood, only 24 days of clear, cloudless sky, from Jan. 1st, 1821, to 31st Jan. 1822, a period of thirteen months, and the greater part of the 24 were in the months of January, February and March, 1821.

The accounts from Spain are favorable to the peace and quiet of that kingdom.

Reports had reached Paris that a revolutionary spirit had manifested itself at Brest, and that two regiments of marines and one of infantry of the line had hoisted the standard of revolt. Measures were adopted to repress the "factions enterprize."

A private letter, dated Venice, January 8, contains the following intelligence:—"Omar Vrone, Pacha of Delvinon, who occupied the citadel of Athens, has capitulated, together with the commandant who held the castle of Thebes; they surrendered those two cities, on condition that the Greeks should allow them a free passage to Janina. The capitulation has been strictly observed by Ulysses and Pallasas, the Greek leaders. Both the Turkish commandants have arrived at Janina.

Later. By an arrival at Baltimore, we have Liverpool papers to the 6th of February. Great preparations were making to subdue the Irish people, whose excesses appear to be on the increase, and several very serious affairs had taken place: oppression has rendered the poor peasantry mad.—There is a talk of reducing the rate of interest for money, from 5 to 4 per cent. which has caused much jobbing and bustle on the exchange; but it is understood that the interest on the stocks will not be interfered with.

There are some indefinite rumors about the unsettled state of France.

No additional news of interest is received from Greece—but it is said that the revolutionists are divided in opinion whether they shall establish a republic, or proclaim Demetrius Ypsilanti king.

VOL. XXII.—6.

The course that Russia will pursue is as uncertain as ever.

A poor woman has been refused a settlement in an English parish, for the reason that she had been married by a Roman Catholic clergyman! and this was declared to be the law of the land.

Latest and interesting. Liverpool papers, of the 9th of Feb. have been received at New-York. The chief things contained in them are as follows:

The Spanish cortes have been deeply engaged in a consideration of the affairs of the revolted provinces in America. Liberal plans of conciliation were suggested and discussed—and a Paris paper, of the 5th of Feb. says—"We have advices from Madrid of Jan. 28. *The government has, at length, wisely acknowledged the independence of the South-American states.* We have not yet obtained the particulars of this interesting event."

In consequence of this news, Colombian bonds, which were at 68, in London, immediately rose to 77, and even that was refused by some of the holders.

The prospect now is that there will not be any war between Russia and Turkey—the latter power, it seems, has agreed to the conditions prescribed by the former, and is actually evacuating the provinces of Moldavia and Wallachia; but there are some reports contradictory of this intelligence. The Servians are said to be in insurrection. The war with Persia is entirely at an end—the prince who commanded them is dead, supposed of poison, and 7000 men have been carried off by the cholera morbus. The Greeks, however, maintain their ground; but, if Turkey has made an arrangement with Russia, we fear that their cause is hopeless. France and England will both, we apprehend, throw powerful obstructions in their way as to obtaining supplies. But, it is said, that 500 Danes have tendered their services, and that 2½ millions of florins have been contributed at the Hague to aid their revolution.

Nothing important has happened in England—the king's speech is given below. Ireland is dreadfully disturbed—the papers are filled with details of petit battles; the people seem desperate, but to act without any thing like concert. The military are very active, and have frequent rencontres with parties of the peasants. Many lives are lost. Sometimes the people rush upon small parties of soldiers and grapple with them, to obtain possession of their arms, &c.

Insurrectionary movements, chiefly among the military, have taken place at Samner, Belfort, Brest and Rochfort, in France; and the tri-colored flag has been displayed. The court is said to be thrown into the greatest consternation at these events—but particulars have not reached us. Troops had marched from Paris to keep down these disorders.

On the 5th of February, the king of Great Britain and Ireland, delivered the following speech to his parliament:

My lords and gentlemen—I have the satisfaction of informing you that I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country. It is impossible for me not to feel deeply interested in any event that may have a tendency to disturb the peace of Europe. My endeavors have, therefore,

been directed, in conjunction with my allies, to the settlement of the differences which have unfortunately arisen between the court of St. Petersburg and the Ottoman Porte, and I have reason to entertain hopes that these differences will be satisfactorily adjusted.

In my late visit to Ireland, I derived the most sincere gratification from the loyalty and attachment manifested by all classes of my subjects. With this impression, it must be matter of the deepest concern to me, that a spirit of outrage, which has led to daring and systematic violations of the law, has arisen and still prevails in some parts of that country.

I am determined to use all the means in my power for the protection of the persons and property of my loyal and peaceable subjects, and it will be for your immediate consideration whether the existing laws are sufficient for this purpose.

Notwithstanding this serious interruption of public tranquillity, I have the satisfaction of believing that my presence in Ireland has been productive of very beneficial effects; and all descriptions of my people may confidently rely upon the just and equal administration of the laws, and upon my paternal solicitude for their welfare.

Gentlemen of the house of commons—It is very gratifying to me to be able to inform you, that, during the last year, the revenue has exceeded that of the preceding year, and appears to be in a course of progressive improvement. I have directed the estimates of the current year to be laid before you—they have been framed with every attention to economy which the circumstances of the country will permit; and it will be satisfactory to you to learn that I have been able to make a large reduction in the annual expenditure, particularly in our naval and military establishments.

My lords and gentlemen—I have the greatest pleasure in acquainting you that a considerable improvement has taken place, in the course of the last year, in the commerce and manufactures of the united kingdom, and that I can now state them to be, in their important branches, in a very flourishing condition. I must, at the same time, deeply regret the depressed state of the agricultural interest. The condition of an interest so essentially connected with the prosperity of the country will, of course, attract your early attention; and I have the fullest reliance on your wisdom in the consideration of this important subject. I am persuaded that, in whatever measures you may adopt, you will bear constantly in mind, that, in the maintenance of our public credit, all the best interests of this kingdom are equally involved; and that it is by a steady adherence to that principle that we have attained, and can alone expect to preserve our high station among the nations of the world.

STOCKS AND JOBBING. The bill to provide for an exchange of certain stocks bearing an interest of 5 per cent. for stocks bearing an interest of 6 and 7 per cent. has passed the house of representatives—and there will be much jobbing and speculation; a great deal of money made and as much money lost. We shall carefully watch the progress of this proceeding, and note its operation on the interests of the people. It is a *relief act*—and, in our opinion, of the character of certain stay or stop-laws that have been passed, which have uniformly resulted in injury, and *provoked* improvidence and waste.

COM. BARRON. The proceedings of the court of enquiry, held at the navy-yard, Brooklyn, New York, upon capt. James Barron, of the U. States navy, in July, 1821, have just been published. We shall probably insert the statement of the case hereafter. The court consisted of captains Stewart, Evans and Morris, and, on the 14th of July, pronounced the following *opinion*—

The court is of opinion, that the conversation, alleged to have taken place between captain James Barron, and Mr. Lyon, the British consul at Pernambuco, in the year 1809, has not been proved.

And the court is further of opinion, that, altho' the evidence produced by captain Barron, establishes his sincere and earnest desire to return to the United States, at certain periods, and the difficulty of accomplishing his wishes, yet the court is of opinion, that the evidence of his inability to return sooner than he actually did, is not satisfactory; and it is, therefore, the opinion of the court, that his absence from the United States, without the permission of the government, was contrary to his duty as an officer in the navy of the United States.

CHARLES STEWART, President.

H. WHEATON, judge advocate.

DOMESTIC MANUFACTURES—imitated. It is, and always has been, the *liberal* practice of our friends across the water, who would kindly save us the trouble of fabricating even a "hob-nail," whenever they find any thing manufactured in the United States which commands a great consumption for its superiority in quality or otherwise, to make something of like appearance and pass it off as an American product, with a view either to come in for a share of the market or to discredit the home manufacture—in which last *honorable* act they have often succeeded, through their agents and friends settled amongst us. They tried, over and over again, to make gimblets, augurs and falling or chopping axes, such as are now commonly used in this country—but so much had their workmen been accustomed to *make things to sell*, that the imposture was manifest, and their avarice was punished for forgeries of stamps and marks. They have also tried cotton goods, put up as at Waltham, &c. but find that, even if they *smuggle* them, [an act entirely consistent with their ideas of morality] they cannot meet our manufacturers in the market, in quality and price: and so they contest every inch of ground, being always on the watch, aided by their government even with *forged papers*, if necessary to the sale of their goods.

Several years since a gentleman at Wilmington, in Delaware, started the manufacture of a certain description of cotton cloth, which soon became extensively known by the name of the "Wilmington stripe." The demand for it gathered round him a large number of weavers and other manufacturers, and great quantities of it were (and still are) produced in the neighborhood of that town:—The late importations from England furnish large quantities of this stuff, inferior in quality, but sold at a reduced price, either to break up or discredit the domestic manufacture—as *which it is put off*. This is shameful. Every honest and honorable mind is interested in the preservation of character, and revolts at the crime of *counterfeiting*. But, as there is no written law that will reach a case like this, natural law comes in to punish the fraud; and, if discreetly exerted, we think that it ought to be resorted to.

NATIONAL DEBTS. A German paper, called *Hermes*, gives the following, as the permanent national debt of the several European states.

England pays annually 145 millions of rix dollars banco; France 33; Austria 7; Russia 5; Prussia 5; Holland 5; Sweden, Denmark (prior to the late English loan), Saxony, Bavaria, the small German states, Spain, Portugal and Italy, together, 50 millions. Hence, it appears, that Europe, collectively, has a yearly incumbrance, in the shape of interest for moneys borrowed, of 250 millions of dollars, 750 millions of marks banco, which, reduced at the par of exchange, gives a sum total in sterling money of 63 millions.

CUBA. The government of this island has issued the following order—"The repeated complaints, which this government has received of the depredations and piracies committed on the coast of this island, by armed crews of boats and other small vessels, by suddenly boarding the vessels of all nations approaching our coast or departing from our ports, have compelled me to inquire and examine particularly into these matters, and to order the following special instructions to be strictly observed, for the purpose of guarding against the abuses here complained of, so contrary to the existing laws, and with a view to their punctual observance by every vigilant means prescribed by the same."

[The order then details the scrutiny to be observed by the custom-house officers, &c.]

☞ We have a report which appears to be true, that on the 8th ult. the U. S. brig *Enterprize*, Lieut Kearney, captured eight sail of piratical vessels, whose united crews amounted to about 160 men. This must be pretty nearly a finishing stroke to the desperadoes: we have not lately heard of so many piratical acts, but cases are just published which happened in December last, in the capture of the brig *Exertion*, and schooner *Constitution*, of Boston, that have caused no little feeling. *The vessel that seized them was partly manned by the 21 wretches who were recently tried and condemned as pirates at New Orleans, and pardoned by the president of the United States—they boasted of it; and, in thirty days from the time of their liberation, were at their old trade, with a resolution to murder all their prisoners—but instead of this, they were so humane as to put their prisoners ashore on a low sand key, to perish for want of water or to be swept away by the sea! The captain of the Exertion and his crew, with four Spaniards, were put on one of those keys—in despair, they made a boat or box out of pieces of sugar boxes that had floated on the key, in which the mate and five other persons embarked in search of water on some of the neighboring keys; and, three days after, the box being discovered adrift and full of water, it was concluded that they had perished. Those that remained on the key were taken off by a small prize to the pirate, having five men on board who had resolved to quit the business.*

☞ The schooner *E. H. Symmes*, of Georgetown, Col. was lately lost near Point Yaacos—the crew constructed a raft and went ashore on the key; here they were attacked by pirates, who stripped them of their clothing, beat and abused the shipwrecked mariners, and coldly shot one of them. After the rascals had left these poor people, they were taken off the key by a fishing boat from Matanzas. We really believe that *hemp* is the only corrective of such outrages.

PRODUCT OF LABOR AND VALUE OF HUMAN LIFE, &c. Though it is well known to me, there are many persons who never read any thing that costs them the trouble of thinking, it is gratifying to believe that an increasing desire prevails to investigate *first principles*, with a view to ascertain what is the true policy and wise administration of government—hence, essays on political economy are sometimes in request. In matters of this sort, much may depend on opinion founded on probability; but when we speak of what may be called the radicals of this science, demonstration is not always wanting to effect conviction of error, or excite a zeal to do good.

A train of reflections has lately passed through my mind, on some points that I do not remember to have seen or heard urged by any other person, (though they may be familiar to many), relative to the value of labor and cost of subsistence, which shall be noticed in the subsequent remarks. These are the base on which all rightful calculations in political economy must be erected, and almost any investigation of their principle and operation may benefit an enquirer after truth.

It is now about two months since I put upon my file of "things to be examined," an article in the *Richmond "Enquirer,"* over the signature of "Quesnai," of which the following is an extract:

"It appears from the census, recently published, that the number of persons engaged in agriculture in the United States, is rather more than 2,000,000, while those employed in manufactures are not quite 350,000; but among these last are included all our domestic handicraftsmen, such as tailors, shoemakers, &c.; persons who are as much affected by our exorbitant tariff as the agriculturists themselves. If, then, from 350,000 you strike all those artificers with whom, either from their location, or from the trades which they carry on, foreign mechanics cannot interfere, the balance will not much, if any, exceed 100,000. Now, is it not most wonderful, that these 100,000 manufacturers should have succeeded in convincing the 2,000,000 of agriculturists, that the very best thing which the said agriculturists can do is to tax themselves roundly for the benefit of the said manufacturers? and this, too, although ever since the days of Adam Smith, the absurdity, in a national point of view, of such a proceeding, has been fully demonstrated? And only observe, Messrs. editors, the inevitable result of these wise measures of ours, should they be continued and perfected. The cultivators of the soil now tax themselves to keep out foreign manufactures, and the moment this is accomplished, they will have again to tax themselves, because those manufactures are kept out.

An eminent statesman compared country gentlemen to sheep, on account of the facility with which they are shorn; as regards the present subject, another animal, I think, would afford a happier illustration of their folly, if not of their passiveness.

QUESNAI."

In several other of our journals, we notice attempts of a similar character to depress the importance of the class of manufacturers and mechanics, as contrasted with the agricultural. Far be it from me to disparage the latter: I consider the farmer, cultivating his own soil, by the labor of his own hands, as the *noblest* of the human race, because he is likely to be the most *honest*: but a wholesome state of society must be made up of different classes—and, as their interests are common, it is not necessary to lessen the real value of any one to exalt the character of another.

The late census gives us the follow aggregates:	
Free white persons	7,741,610
— colored do.	358,238
Slaves	1,538,128

	Total	9,637,976
Of whom there were—		
(1) Agriculturalists	2,065,499	
(2) Manufacturers	349,247	
(3) Commercial class	72,397	
		2,487,143
		7,250,833

The persons in the three great branches of the national industry, seemingly amounts to only *one fourth* of the whole population of the United States; and we are left to presume that the other three fourths are supported by the labor and application of that fourth. This cannot be—for millions of others must, more or less, contribute to the general amount of value produced or facilitate its distribution. The drones, (as stated), are too numerous—but still, we apprehend that some interesting matter may be drawn out of the facts furnished, though morally certain that the aggregates are very imperfect, especially as to the manufacturers and mechanics, as we shall endeavor to shew.

1. The agricultural class includes all the free agricultural laborers and laboring slaves, as well as those who immediately superintend and profit by the labor of the latter. Thus, a planter possessed of 50 slaves, men, women, or children, if they perform even the slightest labor in the field, (such as picking of cotton, for example), would, himself, his overseers and his slaves, be put down as agriculturalists, and amount, perhaps, to about 55 persons. The whole number of slaves taken into the aggregate of 2,065,499, may be estimated at about 900,000. This is rendered probable by the following exhibit:

	Whole population.	Agriculturalists.
New-York	1,372,812	247,648
Pennsylvania	1,049,398	140,801
	2,422,210	388,449
Virginia	1,065,366	276,442
North Carolina	638,829	174,196
	1,704,195	440,638

In the former states, the laboring agriculturalists are as *one to six* and an *half* of the whole population; in the latter, they stand as *one to four*. A great difference, indeed—being more than *one half*; which shews the probability of what we have stated. But it may be useful to consider this matter a little more in detail: admit, for the sake of argument, that the foreign and *domestic* export of agricultural products, by New-York and Pennsylvania, are of no more value than those of Virginia and North Carolina, (though much is conceded to the latter states by this supposition), and that each receives from abroad, or from other states, articles of subsistence equally valuable—the whole value of the agricultural products *raised and consumed* in these couples of states, may be thus *comparatively* stated:

3,422,210 persons in N. Y. & Pa. at 50 dols. p. an. dols.	72,666,300
1,074,023 in Va. & N. C. at the same	32,220,750
630,170 slaves in the same, at 20 dollars	12,603,400
	44,824,150
Difference of value	27,842,150

Now, if we add to the former the superior value of articles produced which go into home-made

clothing, we may safely conclude that the 388,000 agriculturalists in New York and Pennsylvania, create a greater value in the sum of at least *thirty millions of dollars a year* than the 440,000 agriculturalists of Virginia and North Carolina. Comment is not necessary; but it should be recollected, that, in the states first named, there are about four millions of sheep, two millions of neat cattle, and half a million of horses; and that the woollen and flaxen goods manufactured in *families*, by persons who do not come into the class of manufacturers or mechanics, is seven or eight millions of yards per annum. We have no information whereon to found a supposition of the amount of those things in the states last mentioned; but it is small compared with the aggregate of the others. The estimated cost of subsistence, we apprehend, is pretty nearly the real amount of it, on an average; but, at any rate, the data taken operates equally and in just proportion. It includes domestic liquors consumed.

These matters are worthy of much reflection, for the result is, that *one* agriculturalist in New-York and Pennsylvania produces a value nearly equal to that of *two* others in Virginia and North Carolina, or as 200 dollars is to 100 dollars—a most important difference when it is multiplied by hundreds of thousands. But this suggestion rather belongs to another subject, and we shall not say any thing more about it at this time.

From the "two millions of agriculturalists" that we have to "*convince*," in the language of "Quesnai," we shall then deduct the 900,000 *slaves*, unless that writer will allow the other side to count *spindles*, each are equally *working* machines, and the one has as much to do in a *consideration* of the matter before us as the other; except that slaves give power in representation, which spindles do not. It will then appear that all those who, regarded as agriculturalists, have any concern in the subject discussed, amount to 1,165,499, of whom, nevertheless, a very large majority is decidedly friendly to the encouragement and protection of domestic industry; and in this majority is included almost every farmer interested in raising grain, or other bread-food, cattle, sheep, hogs, hemp, flax, &c. *for sale*, or as crop, to supply himself and his family with such other articles as necessity or inclination demands. Of the whole number of agriculturalists reported, about 1,200,000 are located in the slave-holding states—we cannot be suspected of exaggeration when we suppose that three fourths of these are blacks; there then remains 300,000 free agriculturalists in those states, which is almost a fourth less than the amount in New-York and Pennsylvania, in which the people are nearly unanimous in the wish to establish a *home market* for their products, for they well know its value; and among the 300,000, as just above stated, there are many that have a common interest with the farmers in the states named.

(3) The amount returned as engaged in manufactures, (which is said by "Quesnai" to include "all our domestic handicraftsmen, such as tailors, shoemakers, &c. is surely much below the real amount—but take the number as it is given, may it not be demonstrated that the power of those to produce value, assisted by labor-saving machinery, may be superior to that of less than four times their number operating without such aid, though assisted by horses, mules and oxen, &c.? We shall see.

In the estimate of the cost of clothing, we shall include not only the stuffs out of which garments are made, but the price paid to tailors for making

such garments, and the cost of shoes and boots and hats. Let us then say, that a child under 10 years old may be completely clothed, a whole year, for 12 dollars; those of more advanced age and adults, for 30, and that a slave may be protected from heat and cold for only 10 dollars per ann.—and the mere *clothing* department will cost the nation about 200 millions every year—if from this we deduct 25 millions, as the value of such goods imported, there will remain 175 millions to be supplied by the domestic industry. What head of a family will think this estimate too high?—the hired girls in our kitchens hardly spend less for their clothing than the highest rate of cost that I have allowed; and, instead of 30 dollars a year, how many scores of thousands are there that expend a hundred dollars a year or more, for articles of clothing? But, what is the proportion of those employed in the manufacture of cloths, shoes and boots and hats, compared with the amount engaged in other branches of manufacture and the mechanic arts? The recapitulation of their names would fill half a page—among them are *ALL the manufacturers of iron and steel and other metals*, from the person that digs the ore to the artist that makes an anchor for a ship of the line, or a sprig three-eighths of an inch long; a most numerous class, and containing, perhaps, fifty or more different professions, such as iron makers, forgers, blacksmiths, coppersmiths, &c. &c. then we have to count up *ALL the workers in wood*, (except builders of houses), such as joiners, coopers, waggon and other carriage makers and mill and wheelwrights; *ALL that work in leather*, (except shoemakers), such as tanners, curriers and saddlers; *ALL that work in earths and compositions*, such as brick makers and potters, and gunpowder makers; *ALL the branches necessary to the making of a book* out of rags, several extensive trades, and so on—besides a great many persons needful to supply the various sorts of cloths for family use, the equipment of ships, &c. these, and fifty or an hundred more, being included in the direction of the secretary of state as to who should be considered manufacturers, and including also *millers*, distillers and brewers. I am clearly of opinion, that the amount of persons employed in the manufacture of articles for clothing (*not in the domestic way*), cannot be a fourth of the whole number classed as manufacturers, and it is morally certain that the return is greatly deficient.

We have no datum at present at hand, to determine the amount of labor bestowed on any particular branch of business, or how much its industry is aided by machinery, contrived to do the work of many persons. I have seen the power of the cotton gin calculated—it is enormous; perhaps, all the labor of the whole people in the United States would not send as much cotton to market, without machines of this sort, as the laborers of South Carolina, alone, might furnish with the use of them. Here we see the force of scientific power, though its application to the products of agriculture is on a small scale, indeed (except in this instance), when compared with its application to manufactures and the mechanic arts—perhaps, not as one to an hundred. A large part of the business of agriculture must be performed by *manual labor*, though assisted by the best implements, and otherwise managed in the best manner.

The celebrated Mr. Owen, of New Lanark, (a gentleman whose opinions on such subjects are entitled to the greatest respect), calculates that the cotton now spun in Great Britain by machinery, would require sixteen millions of persons with com-

mon wheels, and if to this be added the amount of manual labor hitherto bestowed in making yarn into cloth, we may safely say that the whole manufacture of this single article would require not less than 30,000,000 persons, though aided by all the machinery in use about forty years ago. We cannot refer to any document to ascertain the number of persons engaged in the cotton business; but Mr. Gray, in a late work deemed authentic, puts down *all* the classes of manufacturers and mechanics at a 28th part of the whole population, say about 3 millions; and, when the numerous branches required to supply *every thing* that man wants or his luxury demands, *save food*, is considered, it will appear that those engaged in the manufacture of cotton goods cannot be very numerous, though so very powerful. Mr. Owen further calculated that the quantity of manufactures of all sorts, at present produced by British workmen, with the aid of machines, is so great, that it would require, without the aid of some machines, the labor of four hundred millions of workmen: that is, five millions are equal to four hundred millions. Cotton has been spun, at Manchester, so fine as to require 350 hanks to the pound, and its length was 167 miles and a fraction. The power that drove the spindles, (and many thousand others), which performed this work, might be a steam engine of 120 horse power, or equal to the labor of six hundred men. The woollen* and some other manufactures are not so much aided by machinery as those of cotton, but the scientific power acquired is astonishingly great in many branches of business.—To speak of our own affairs: four able workmen can put up the types for and work off the 4500 copies that we print of the REGISTER—jointly 24 days labor to publish one number; admit that a person could write a page in two hours and that he labored 12 hours in a day, then one printer would stand as equal to 500 scribes, besides the greater superiority and convenience of the work performed.

When we consider the results that have been produced by scientific power, there is not so much to surprise us in what Mr. Owen says, as at the first glance might appear. From living in caves and being clothed in skins, society has advanced to reside in well-built houses, or palaces, to be clothed in articles most delicate to the touch and grateful to the eye, furnished also with luxuries and conveniences of all sorts and descriptions. The mind can hardly grasp the extent of improvement, progress of comfort, or advance of what may be deemed extravagance and waste. To aid the comprehension, we must take an Indian from his miserable hut, clothed in filthy skins which also serve him for his bed, picking his way through the trackless forest, wading through swamps and swimming rivers, to seek the deer and kill it with his arrow—to the civilized man, coming forth from a palace, clothed in the richest manufactures, passing on a turnpike road and over streams by bridges in a splendid carriage, and furnishing himself with all that he desires by an exchange of commodities, rendered convenient by the use of certain metals or paper of an accepted value or price.—Whether human happiness is advanced or not, by

* The inventions of our countrymen, *Whitmore* and *Brewster*, for making wool and cotton cards and spinning wool, approach so nearly to *thinking* animals, as almost to make us believe that they examine and calculate what they are doing! And Mr. *Dey*, of New York, has just accomplished a machine by which he will clean and bleach flax or hemp for *two cents per pound*, and the work is done much better than it by hand!

the progress of things from a savage to a refined state, (as some pretend to doubt), is not the question—it is sufficient to the argument that the latter state exists, and nothing but a long succession of the severest calamities can drive the people back to a residence in caves, clothed in sheep or other skins, with the wool or hair on, to protect them from the weather: nay, there are millions of young ladies, that would *faint* at the idea of being dressed even as their grandmothers were fifty years ago.* And it is by means of this scientific power, that, though the best manufacturers in India may be hired for 20 dollars a year, (out of which they will subsist and clothe themselves), we, even in the United States, might import a cargo of cotton from India, 10,000 mls distant, make it up into cloth, send it back to India, and undersell the manufacturers there—though they are not wholly destitute of labor-saving machinery, and are of the best [manual] workers in cotton, in the world.

It then appears very plain that the importance of the manufacturing and mechanical classes not to be ascertained by a mere "show of hands"—it is the amount of the labor that they can perform; but this gives them no claim to exclusive privilege, nor do they ask protection to the detriment of other classes, as the growers of grain and breeders of cattle, sheep and hogs, &c. begin clearly to understand.—To enable our 350,000 manufacturers to operate, a property equal to at least 200 millions of dollars has been created, in the houses, mills, machinery, tools and implements needful to the different professions—and what sums have been spent to acquire *knowledge* how to make or use such machinery, tools and implements! This enormous amount of value must be respected, for, if the arts perish or are suffered to decay, it must also perish or decay; and these employ a vast quantity of labor that would otherwise be useless—say of women and children, to the value of many millions a year.

We shall now speak of what we deem rightful restrictions on trade, which will lead us to a consideration of that which we have called in our caption, the "value of human life." We start on this principle—that the value of a human being must be annually equal to the amount expended in subsisting and clothing, and otherwise furnishing necessities for such a being; for the reason that, if this was not the case, society must retrograde in its comforts possessed, and, finally, be destroyed. If all consume more than they produce, there must be an end of consumption; hence even to keep things as they are, the labor bestowed must be equal to the value of the labor consumed. In this respect, the habits and manners of different nations are as different as their languages. What is a principality in Germany may be only a snug farm in America, and there is no sort of

measure that will regulate all things in all countries. A day's labor approaches the nearest to a general standard, but that varies more than our bank paper did during the late war, from the real or artificial wants of men and nations. England is compelled to make her people pay about twice as much for bread-stuffs as they might be imported for, that the taxes on the land may be collected—but she also prohibits the importation of manufactured articles that the people may pay such extra price for bread-stuffs: here is one restriction to balance another, and, between the two, if the government was reasonably economical, the general state of the society would be prosperous. These regulations are carried so far, that bread-stuffs and manufactures are rejected, though raised or produced by her own people, in her own colonies, in Asia, America, or Africa. An income of 500*l.* a year in England, is a very moderate estate; but if the possessor of it crosses the channel to France, he is a man of fortune; and may live as pompously upon it as he can on three times its amount in England. It is then very evident that the value of human life, as estimated by a money meter, is higher in England than in France, and that, if an unrestricted trade existed between the two countries (the scientific labor in both being equal), France would become rich and England be beggared by it. It is to prevent issues of this nature that governments resort to restrictions; because they cannot change the climate of a country or essentially alter the habits of a people. *Napoleon*, in the zenith of his power, could not have prevented the people of the south of France from dancing on Sunday afternoons, nor can George stop his subjects from huzzaing and making a noise at elections; much less convert them into *Robinson Crusoes*. It is on this principle that we spend a million or more *per annum* for the protection of commerce, that we give *bounties* to our fishermen and *prohibit* the coasting trade to foreigners, &c. The value of the lives of persons engaged in those pursuits, in the United States, being greater than that of other persons in like manner employed in other countries. This value grows out of nature, necessity or custom, and *must be respected*, or the nation is injured to the benefit of some other. To simplify this doctrine—let us say the soil and climate of India are as well adapted to the culture of grain, cotton, tobacco, rice, &c. as those of the United States, and that, in the production or *manufacture* of these, the people are equally aided by machinery—how will they meet each other in a common market at the Cape of Good Hope, as a central point? An East India laborer, a full hand, may be hired for fifteen or twenty dollars a year, out of which he will feed and clothe himself—our *slaves* cannot be estimated to cost less than *seventy dollars per ann.** and the product of the East Indian, as regulated by a nominal amount of money, would cost less than a third of what such product would cost us; we could not, therefore, meet the people of India in the common market—it is impossible that we should exchange *day's labor* with them; we must at least, for self-preservation, keep out their rival productions, and raise the price of

*The progress of extravagance and waste of labor, which will always keep on the advance as the means to indulge in them are afforded as surely as water seeks its own level, is well described, as to one article, in a communication addressed to the Editors of the *Boston Evening Gazette*, as follows: "If five dollars twenty years ago, would purchase as good a bonnet as was wanted by *any* lady, and now the same *quality* of ladies, requires one from Leghorn which costs fifty dollars, (in silver money) this same increase of extravagance, twenty years hence, will require one to cost five hundred dollars! Merino shawls and dresses, in proportion. There are now some of these bonnets sold as high as \$100; to this class of purchasers, a bonnet must soon cost them the "price of a good farm."

*Say a slave is worth 400—interest on capital at 6 per cent. \$24; "tear and wear," and risk of health and life, at 4 per cent. 16; food 20; clothing 10—amount *seventy* dollars per annum. Now this sort of labor, would appear to be much dearer than that of free persons, if, as it seems, the latter perform twice as much work,

the commodities to a rate commensurate with the cost or value of life, established by custom or fixed by climate. Money is always a thing of comparative value—an artist in China will labor the whole day for 6 cents; another, making the same thing and doing the same quantity of work, will receive a dollar in the United States; but it does not follow that labor is dearer in the latter than in the former *unless there is to be an exchange of commodities between the two*; and then, and then only, the difference operates to the benefit of one party and the ruin of the other—because all other things are in just proportion. It costs as much labor, and occupies as much land, to raise a bushel of wheat when it is worth only one dollar as when it is worth three dollars—and hence, a gallon of wine, (imported), bearing a steady price of two dollars, is three times as dear to the farmer at the low price of wheat as it is at the high one. This is common sense doctrine. It is the ability of the consumer to pay, and not the cost of the article, that determines its value to him, by money or goods given in exchange for it; and in every transaction of this sort, the value of life must enter into the calculation, or life will necessarily cease to be or become not worth possessing.

(3) The commercial class includes, we suppose, all the venders of goods, from the importing merchant to the smallest shop-keeper; and a very large part of the business of these—the greater part of it, perhaps, is incidental to the transfer of domestic products, agricultural or manufactured.

Much more might be said on these great subjects, but we shall defer any further remarks for the present; and conclude with requesting that the facts set forth may be considered, for the reason that we believe them to be among the fundamentals that a statesman ought to investigate.

Dauphin Island and Mobile Point.

Message of the president of the United States to congress, upon the subject of the fortifications on Dauphin Island and Mobile Point.

To the senate and house of representatives of the United States.

Congress having suspended the appropriation, at the last session, for the fortification of Dauphin Island, in consequence of a doubt which was entertained of the propriety of that position, the further prosecution of the work was suspended, and an order given, as intimated in the message of the 3d of December, to the board of engineers and naval commissioners, to re-examine that part of the coast, and particularly that position, as also the position at Mobile Point, with which it is connected, and to report their opinion thereon, which has been done, and which report is herewith communicated.

By this report, it appears to be still the opinion of the board, that the construction of works at both these positions is of great importance to the defence of New Orleans, and of all that portion of our union which is connected with, and dependant on, the Mississippi, and on the other waters which empty into the Gulf of Mexico, between that river and Cape Florida. That the subject may be fully before congress, I transmit, also, a copy of the former report of the board, being that on which the work was undertaken, and has been, in part, executed. Approving, as I do, the opinion of the board, I consider it my duty to state the reasons on which I adopted the first report, especially as

they were, in part, suggested by the occurrences of the late war.

The policy which induced congress to decide on, and provide for, the defence of the coast, immediately after the war, was founded on the marked events of that interesting epoch. The vast body of men which it was found necessary to call into the field, through the whole extent of our maritime frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property, which followed, were to be traced, in an eminent degree, to the defenceless condition of the coast. It was to mitigate these evils, in future wars, and even to the higher purpose of preventing war itself, that the decision was formed, to make the coast, so far as it might be practicable, impregnable; and that the measures necessary to that great object, have been pursued with so much zeal since.

It is known that no part of our union is more exposed to invasion, by the numerous avenues leading to it, or more defenceless by the thinness of the neighboring population, or offers a greater temptation to invasion, either as a permanent acquisition, or as a prize to the cupidity of grasping invaders, from the immense amount of produce deposited there, than the city of New Orleans. It is known, also, the seizure of no part of our union, could affect so deeply and vitally the immediate interests of so many states, and of so many of our fellow citizens, comprizing all that extensive territory and numerous population which are connected with, and dependant on, the Mississippi, as the seizure of that city. Strong works, well posted, were, therefore, deemed absolutely necessary for its protection.

It is not, however, by the Mississippi only, or the waters which communicate directly with, or approach nearest to, New Orleans, that the town is assailable. It will be recollected that, in the late war, the public solicitude was excited, not so much by the danger which menaced it, in those directions, as by the apprehension that, while a feint might be made there, the main force, landing either in the bay of Mobile or other waters between that bay and the Rgolets, would be thrown above the town, in the rear of the army which had been collected there for its defence. Full confidence was entertained that that gallant army, led by the gallant and able chief who commanded it, would repel any attack to which it might be exposed in front. But had such a force been thrown above the town, and a position taken on the banks of the river, the disadvantage to which our troops would have been subjected, attacked in front and rear, as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the city, and withdrawing from it, it must have fallen immediately into the hands of the force below. In ascending the river, to attack the force above, the attack must have been made to great disadvantage, since it must have been, on such ground and at such time as the enemy preferred. These considerations show, that defences, other than such as are immediately connected with the city, are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi, will be made only by a great power, or a combination of several powers with a strong naval and land force, the latter of which must be brought in transports which may sail in shallow water. If the defences around New Orleans are well posted, and of sufficient

strength to repel any attack which may be made on them, the city can be assailed only by a land force, which must pass in the direction above suggested, between the Rigolets and the bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt, as would defeat it, should it be made. Fortifications are useful for the defence of posts, to prevent the approach to cities, and the passage of rivers; but, as works, their effect cannot be felt beyond the reach of their cannon. They are formidable, in other respects, by the body of men within them, which may be removed and applied to other purposes.

Between the Rigolets and the bay of Mobile there is a chain of islands, at the extremity of which is Dauphin Island, which forms, with Mobile Point, from which it is distant about three and a quarter miles, the entrance into the bay of Mobile, which leads through that part of the state of Alabama, to the towns of Mobile and Blakeley. The distance between Dauphin Island and the Rigolets is ninety miles. The principal islands between them are Massacre, Horn, Ship and Cat islands, near to which there is anchorage for large ships of war. The first object is to prevent the landing of any force, for the purposes above stated, between the Rigolets and the bay of Mobile--the second, to defeat that force, in case it should be landed. When the distance from one point to the other is considered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a force. Its defeat, therefore, should be effectually provided for. If the arrangement should be such as to make that result evident, it might be fairly concluded that the attempt would not be made, and thus we should accomplish, in the best mode possible, and with the least expense, the complete security of this important part of our union, the great object of our system of defence for the whole.

There are some other views of this subject which, it is thought, will merit particular attention in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole coast, from the Rigolets to Dauphin Island, or on all the islands between them, at which point shall we begin? Should an attack on the city be anticipated, it cannot be doubted that an adequate force would immediately be ordered there for its defence. If the enemy should despair of making an impression on the works near the town, it may be presumed that they would promptly decide to make an attempt, in the manner and in the line above suggested, between the Rigolets and the bay of Mobile. It will be obvious, that the nearer the fortification is erected to the Rigolets, with a view to this object, should it be on Cat or Ship island, for example, the wider would the passage be left open, between that work and the bay of Mobile, for such an enterprize. The main army being drawn to New Orleans, would be ready to meet such an attempt, near the Rigolets, or at any other point not distant from the city. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object, from that point, and at the bay of Mobile, should there not be works there of sufficient strength to prevent it. Should however, strong works be erected there, such as were sufficient not only for their own defence against any attack, which might be made on them, but to hold a force, connected with that which might be drawn from the

neighboring country, capable of co-operating with the force at the city, and which would doubtless be ordered to those works, in the event of war, it would be dangerous for the invading force to land any where, between the Rigolets, and the bay of Mobile, and to pass towards the Mississippi above the city, lest such a body might be thrown in its rear as to cut off its retreat. These considerations show the great advantage of establishing, at the mouth of the bay of Mobile, very strong works, such as would be adequate to all the purposes suggested.

If fortifications were necessary, only to protect our country and cities, against the entry of large ships of war into our bays and rivers, they would be of little use for the defence of New Orleans; since that city cannot be approached so near, either by the Mississippi, or in any other direction, by such vessels, for them to make an attack on it. In the Gulf, within our limits west of Florida, which has been acquired since these works were decided on and commenced, there is no bay or river, into which large ships of war can enter.

As a defence therefore against an attack, from such vessels, extensive works would be altogether unnecessary, either at Mobile Point, or at Dauphin Island, since sloops of war, only, can navigate the deepest channel. But it is not for that purpose alone that these works are intended. It is to provide, also, against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would be sure to fall at once into the hands of the invaders, and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement to make any change in the position or strength of these works, is a circumstance which also merits attention. From the view which I have taken of the subject, I am of opinion, that it should not. The defence of New Orleans, and of the river Mississippi, against a powerful invasion, being one of the great objects of such extensive works, that object would be essentially abandoned, if they should be established eastward of the bay of Mobile, since the force to be collected in them would be placed at too great a distance to allow the co-operation, necessary for those purposes, between it and that at the city. In addition to which, it may be observed, that, by carrying them to Pensacola, or further to the east, that bay would fall immediately, in case of such invasion, into the hands of the enemy, whereby such co-operation would be rendered utterly impossible, and the state of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong works, at some point within the Gulf of Mexico will be found indispensable. I think, also, that these works ought to be established at the bay of Mobile, one at Mobile Point, and the other on Dauphin Island, whereby the enemy would be excluded, and the complete command of that bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect at some point, other than at New Orleans, a strong force, capable of moving in any direction, and affording aid to any part which may be attacked, and, in my judgment, no position presents so many advantages, as a point of rendezvous, for such force,

as the mouth of that bay. The fortification at the Rigolets will defend the entrance by one passage into Lake Ponchartrain, and also into Pearl river, which empties into the gulf, at that point. Between the Rigolets and Mobile Bay, there are but two inlets, which deserve the name, those of St. Louis and Pascagola, the entrance into which, is too shallow, even for the smallest vessels; and from the Rigolets to Mobile Bay, the whole coast is equally shallow, affording the depth of a few feet of water only. Cat Island, which is nearest the Rigolets, is about seven and a half miles distant from the coast, and thirty from the Rigolets. Ship Island is distant about ten miles from Cat Island, and twelve from the coast. Between these islands and the coast, the water is very shallow. As to the precise depth of water in approaching those islands from the gulf, the report of the topographical engineers not having yet been received, it is impossible to speak with precision, but admitting it to be such, as for frigates, and even ships of the line to enter, the anchorage at both is unsafe, being much exposed to northwest winds. Along the coast, therefore, there is no motive for such strong works on our part; no town to guard; no inlet into the country to defend; and if placed on the islands, and the entrance to them is such, as to admit large ships of war, distant as they are from the coast, it would be more easy for the enemy to assail them with effect.

The position, however, at Mobile bay, is essentially different. That bay takes its name from the Mobile river, which is formed by the junction of the Alabama and Tombigbee, which extend, each, about 300 miles into the interior, approaching, at their head waters, near the Tennessee river. If the enemy possessed its mouth, and fortified Mobile Point and Dauphin Island, being superior at sea, it would be difficult for us to dispossess him of either, even of Mobile Point; and holding that position, Pensacola would soon fall, as, without incurring great expense in the construction of works there, it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile Point only, the enemy might take Dauphin Island, which would afford him great aid in attacking the point, and enable him, even should we succeed in repelling the attack, to render us great mischief there, and throughout the whole gulf. In every view which can be taken of the subject, it appears indispensable for us to command the entrance into Mobile Bay; and that decision being taken, I think the considerations which favor the occupation of Dauphin Island, by a strong work, are conclusive. It is proper to observe, that, after the repulse before New Orleans, in the late war, the British forces took possession of Dauphin Island, and held it till the peace. Under neither of the reports of the board of engineers and naval commissioners, could any but sloops of war enter the bay, or the anchorage between Dauphin and Pelican Islands. Both reports give to that anchorage 18 feet at low water, and 20½ at high. The only difference between them consists in this: that, in the first, a bar, leading to the anchorage, reducing the depth of water to 12 feet at low tide, was omitted. In neither case could frigates enter, though sloops of war of larger size might. The whole scope, however, of this reasoning, turns on a different principle—on the works necessary to defend that bay, and, by means thereof, New Orleans, the Mississippi, and all the surrounding country, against a powerful invasion, both by land and sea, and not on the precise depth of water in

any of the approaches to the bay or to the island.

The reasoning which is applicable to the works near New Orleans, and at the bay of Mobile, is equally so, in certain respects, to those which are to be erected for the defence of all the bays and rivers along the other parts of the coast. All those works are also erected on a greater scale than would be necessary for the sole purpose of preventing the passage of our inlets by large ships of war. They are, in most instances, formed for defence against a more powerful invasion, both by land and sea. There are, however, some differences between the works which are deemed necessary in the gulf, and those in other parts of our union, founded on the peculiar situation of that part of the coast. The vast extent of the Mississippi, the great outlet and channel of commerce for so many states, all of which may be affected by the seizure of that city, or of any part of the river, to a great extent above it, is one of those striking peculiarities which require particular provision. The thinness of the population near the city, making it necessary that the force requisite for its defence should be called from distant parts and states, is another. The danger which the army assembled at New Orleans would be exposed to, of being cut off in case the enemy should throw a force on the river above it, from the difficulty of ascending the river to attack it, and of making a retreat in any other direction, is a third. For an attack on the city of New Orleans, Mobile Bay, or any part of the intermediate coast, ships of war would be necessary only as a convoy to protect the transports against a naval force on their passage, and on their approach to the shore, for the landing of the men, and on their return home, in case they should be repulsed.

On the important subject of our defences generally, I think proper to observe, that the system was adopted immediately after the late war, by congress, on great consideration and a thorough knowledge of the effects of that war—by the enormous expense attending it—by the waste of life, of property, and by the general distress of the country. The amount of debt incurred in that war, and due at its conclusion, without taking into the estimate other losses, having been heretofore communicated, need not now be repeated. The interest of the debt thus incurred, is four times more than the sum necessary, by annual appropriations, for the completion of our whole system of defence, land and naval, to the extent provided for, and within the time specified. When that system shall be completed, the expense of construction will cease, and our expenditures be proportionally diminished. Should another war occur, before it is completed, the experience of the last, marks in characters too strong to be mistaken, its inevitable consequences; and should such war occur, and find us unprepared for it, what will be our justification, to the enlightened body whom we represent, for not having completed these defences. That this system should not have been adopted before the late war, cannot be a cause of surprise to any one, because all might wish to avoid every expense, the necessity of which might be, in any degree, doubtful. But, the experience of that war before us, it is thought there is no cause for hesitation. Will the completion of these works, and the augmentation of our navy, to the point contemplated by law, require the imposition of onerous burthens on our fellow citizens, such as they cannot or will not bear? Have such, or any burthens, been imposed to advance the system to its present state? It is

known that no burthens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as are imposed on articles imported from foreign countries, most of which are luxuries, and on the vessels employed in the transportation; taxes which some of our most enlightened citizens think ought to be imposed on many of the articles, for the encouragement of our manufactures, even if the revenue derived from them could be dispensed with. It is known, also, that, in all other respects, our condition, as a nation, is, in the highest degree, prosperous and flourishing, nearly half the debt incurred in the late war having already been discharged, and considerable progress having also been made in the completion of this system of defence, and in the construction of other works of great extent and utility, by the revenue derived from these sources and from the sale of the public lands. I may add, also, that a very generous provision has been made, from the same sources, for the surviving officers and soldiers of our revolutionary army. These important facts show that this system has been so far executed, and may be completed, without any real inconvenience to the public. Were it, however, otherwise, I have full confidence that any burthens, which might be found necessary for the completion of this system, in both its branches, within the term contemplated, or much sooner, should any emergency require it, would be called for, rather than complained of, by our fellow citizens.

From these views, applicable to the very important subject of our defences generally, as well as to the work at Dauphin Island, I think it my duty to recommend to congress an appropriation for the latter. I considered the withholding it at the last session as the expression only of a doubt, by congress, of the propriety of the position, and not as a definitive opinion. Supposing that that question would be decided at the present session, I caused the position, and such parts of the coast as are particularly connected with it, to be re-examined, that all the light on which the decision, as to the appropriation, could depend, might be fully before you.

In the first survey, the report of which was that on which the works, intended for the defence of New Orleans, the Mississippi, the Bay of Mobile, and all the country dependant on those waters, were sanctioned by the executive, the commissioners were industriously engaged about six months. I should have communicated that very able and interesting document then, but from a doubt how far the interest of our country would justify its publication, a circumstance which I now mention, that the attention of congress may be drawn to it. JAMES MONROE.

Washington, March 26, 1822.

The following is the report of the military committee on which the appropriation for fortifications on Dauphin Island was suspended, and not having before published it, we insert it now, that the subject may be fully presented.

IN THE HOUSE OF REPRESENTATIVES, FEB. 28

The committee on military affairs, to which was referred so much of the memorial of the legislature of the state of Alabama, and of certain citizens thereof, as relates to fortifications, have considered those memorials with the attention due to the respectable authority from whence they have proceeded, and

REPORT—That they have received from the war department, a chart of the entrance of Mobile Bay, from the committee of ways and means a chart of the coast, including the Mississippi and the Bay of Pensacola, furnished by the commissioners of the navy board, and a chart by Curtis Lewis, of Alabama, describing the entrance into Mobile Bay, with directions for shipmasters to enter the bay and pursue their course to the cities of Mobile and Blakely, taken in 1820, apparently with great accuracy.

From these charts taken collectively, it appears that there is a sand bar at the distance of about four miles from Mobile Point, on which the depth of water is 16 feet: after passing the bar the water deepens to 18, 30 and 42 feet. After passing the point, it shoals again to 18 feet, where a ship that can pass the bar may lay in perfect safety, being beyond gunshot of the fort. From thence, pursuing the ship channel, the water shoals gradually to 10 feet, from thence to the city of Mobile, distant about six miles in a direct course, the water shoals to seven feet. The ship channel pursues a circuitous route to the city in deep water, another channel equally deep, but more direct, leads to Blakely. From whence it follows, that no ship of war, larger than a sloop, can pass the bar, or approach the city of Mobile nearer than 25 miles; the distance from Mobile point to the city, is about 34 miles.

The distance from Mobile Point to Dauphin Island is about 3½ miles. The ship channel runs near to Mobile Point, within the range of shot from the fort now building; this channel appears to be at least 2½ miles distant from the fort on Dauphin Island, of course beyond gun-shot of that island.

The report of the engineers in 1820, herewith submitted, states, that a fort is erecting on Mobile Point, to contain 108 guns, 54 of which are intended to defend against an attack by water, and 54 against an attack by land; that on Dauphin Island another fort is intended to be erected, to contain an equal number of guns.

These forts, when completed and garrisoned, cannot be considered, (as the engineer states), a sufficient protection against an enemy entering the bay, without the aid of a floating force, in which opinion your committee perfectly coincide; the ship channel being one mile wide, the course direct, and the water deep after passing the bar, so that vessels which can pass the bar, might pass in the night without fear of injury from either fort, proceed on, and come to anchor in 18 feet water, out of the reach of gun-shot, and act either against Mobile or Blakely, as might be most convenient to his force.

The committee feel no small degree of diffidence in offering an opinion on a subject which has been considered by men of science in their professional character; at the same time a sense of duty compels them to their ideas on this subject, as it is considered important by a respectable state, and involves the nation in a heavy expense.

The committee are agreed that a strong fort on Mobile Point is necessary. An attack by ships of war is not, in the opinion of the committee, to be apprehended, for, as they have already stated, no vessel of war larger than a sloop can pass the bar, and sloops of war are not considered competent to lay before a fort. A battery, containing a small number of guns would be a sufficient force against any number of vessels of that description. It is true a sloop of war did imprudently fire on the small fort on the point in the last war, and it is

as true she was silenced and taken. The fort may be taken by land, and may be incommoded by gun brigs, brought within the bar, and out of gun-shot of the fort, and throw shells into it, while an army is making its regular approaches.

The fort on Mobile Point is placed at the extremity of a narrow strip of land, three or four miles long, and from half a mile to a mile wide. The sea near it is sufficiently deep for the largest vessels. The enemy landed there from the ships, and took the small fort on the point. Instead of the large work which has been projected, to contain 108 guns, the committee conceive that a smaller work, with a steam frigate and gun boats, would constitute a better defence. A floating force would be peculiarly useful against an attack by land, as their guns would sweep the peninsula, and prevent bomb vessels from annoying the fort while engaged with an attacking army. The guns for such a steam frigate, and the gun boats, with the steam apparatus, might be deposited at the city of Mobile, or in the fort at the point, ready to be mounted, and the frigate and boats constructed when occasion should require it. In the event of the fort being taken, the floating force would retreat into shoal water, and prevent an attack on Mobile or Blakely, as the attack must be made by barges, no vessel drawing more than seven feet water being able to go in a direct course to the city, and in the circuitous route none drawing more than ten feet water.

The report of the engineers states that the object of forts on Mobile Point, and on the eastern point of Dauphin Island, are, to prevent the enemy from occupying them as places of refuge; to prevent the mouths of the river from being blockaded; to secure the communication between New-Orleans and Mobile Bay.

The fort on Dauphin Island is intended to defend the western channel, which they state to be one mile distant, and having a depth of water of ten feet, according to their chart, and seven feet according to Lewis, through which vessels constructed for the purpose, and draw from eight to nine feet water, and mounting twelve or fifteen guns, might enter the bay. It will, also, they add, deprive the enemy's vessels of the anchorage under Pelican Island, which anchorage they state to be fit for vessels drawing seventeen or eighteen feet water; that is to say, sloops of war. It will, also, as they say, prevent an enemy from establishing themselves on Dauphin Island, by cutting a communication between lake Ponchartrain and Mobile Bay, while the fort will serve as a depot for naval stores, and for the stores and armament necessary for the protection of the coasting trade.

The committee have given these subjects due consideration, and have also considered Dauphin Island in all its bearings and relations; and cannot believe them of sufficient importance to justify an expenditure of a million of dollars, which the work on Dauphin Island, with its ordnance and necessary fixtures, will probably require, without taking into view the subsequent expenses incident thereto.

Would a fort on Dauphin Island effect the objects contemplated by the engineers? The committee conceive that it could not. It is too far distant from the ship channel to aid in preventing a blockade; nor can the fort on Mobile Point, although near to the channel, entirely effect it. A single sloop of war, lying at anchor within the bar, three miles distant from the fort or in the bay, out of gun-shot of the fort, would effectually blockade the bay without being exposed to danger from either fort.

Will a fort on Dauphin Island protect the coasting trade from New-Orleans? Certainly it cannot. The channel for coasting vessels has from four to five feet water, and is, at least, four miles distant from the site of the fort on Dauphin Island. The coasting trade cannot, of course, receive protection from any force placed there. Would a fort on Dauphin Island be able to deprive an enemy of anchorage under Pelican Island? A sloop of war might anchor under that island, if the engineers' chart be correct, and might remain there. She would then be 35 miles distant from Mobile, and could approach no nearer, for the western channel has only 10 feet water, according to the engineers' chart, and but 7 according to Lewis. The chart last mentioned, and that from the navy office, give only 11 and 12 feet water to the entrance; to the anchorage under Pelican Island, of course, not even a sloop of war can enter, if these charts be correct. It is alleged, that vessels, drawing eight or nine feet water, and mounting ten or twelve guns, may pass through the western channel. If Lewis's chart be correct, they cannot; if that of the engineers be correct, they may. Such vessels may, however, pass more conveniently in the night, in the ship channel, in deep water, and make their arrangements at their leisure, for an attack on the city of Mobile or Blakely, in the bay, and out of gun-shot of the fort.

The engineers say, "that the western channel being one mile from the site of the fort on Dauphin Island, such vessels would pass with very little annoyance from the shot of the fort, and that they can be prevented in no way but by a floating force;" from whence it follows that the immense fortification contemplated on this island could not have the effect of preventing such vessels from entering the bay. The anchorage under Pelican Island may be entered, agreeably to the engineers' chart, by vessels drawing 17 or 18 feet water—but according to the chart of the navy commissioners, and that of Lewis, taken in 1820, there are only 11 or 12 feet of water, and, if these be correct, even sloops of war cannot enter. Vessels drawing only eight or nine feet water, and mounting 12 or 15 guns, must, as your committee apprehend, be built for the occasion. The steam frigate and gun boats herein recommended, would, in the opinion of the committee, prove a more effectual security against an enemy entering the bay, than the 108 guns proposed to be mounted on the land.

The objection to the occupation of Dauphin Island by an enemy, and to his making an establishment there, from whence to cut off the coasting trade between New-Orleans and Mobile, consists in this: the water is not sufficiently deep for him to be protected by his fleet, while his object may be much better accomplished by taking possession of Cat Island, 50 miles distant from lake Ponchartrain, and about 50 miles from the East end of Dauphin Island, where large ships of war may lay in safety, and from whence he may completely intercept their trade. A single sloop of war, stationed at Cat or Ship island, would destroy their trade without risque, unless prevented by a superior naval force.

The fort on Dauphin island cannot be made use of as a depot of naval stores, or armament for defence of the coasting trade, because the depth of water, for nearly a mile distant from the shore, will not admit our smallest vessels. Should such a place of deposit be deemed necessary, Mobile Point is, in every respect, preferable. The harbor near the point is good, and the water sufficiently deep for

vessels to anchor near it and to discharge their cargoes with facility.

From the best view which the committee have been able to take of the subject, it appears to them that the fortification on Dauphin Island, calculated to contain 108 guns, ought to be discontinued—that an enclosed work on Mobile Point, calculated to mount 50 or 60 pieces of heavy ordnance, with an adequate floating force, and 20 or 30 pieces, (say 12, 18 and 24 pounders) mounted and deposited in an arsenal, to be erected for that purpose at Mobile or Blakely, from whence they may be detached as occasion might require, to the points of land by which the boats or barges of an enemy must necessarily pass, in his approach to either of those places, and to cover the floating force in case of retreat, would constitute a suitable defence for the bay of Mobile.

All which is respectfully submitted.

Seventeenth Congress—first session.

IN THE SENATE.

March 29. The following letter was laid before the senate by the president.

OFFICE OF INDIAN TRADE,
Georgetown, March 28, 1852.

To the Honorable the president of the senate of the United States:

SIR: I have the honor respectfully to represent that insinuations having been made in the course of debate on the bill now before the senate, on Indian affairs, implicating the integrity with which I have fulfilled the duties of superintendent of Indian trade; and feeling the value of my reputation to be enhanced by the circumstance of its constituting my only inheritance; and conscious of having executed the duties of my office with the utmost zeal and fidelity, and claiming the right of an American citizen—I do therefore respectfully solicit that a committee be appointed, with instructions to make such examinations into the manner in which I have discharged the duties of the trust with which I have been honored, as it may be considered proper to order.

I have the honor to be, sir, with great respect, your most obedient servant,

THOMAS L. M'KENNEY,
Superintendent of Indian trade.

The letter was read.

The senate resumed the consideration of the bill to discontinue the Indian trade system—and, as amended, it was ordered to be engrossed and read a third time.

The bill about the claim of the marquis de Maison Rouge was then taken up—it authorizes the claimants to try the validity of their title in the courts of the United States.

Mr. Eaton moved, in pursuance of directions from the committee of public lands, to add a section extending the like privilege of a judicial hearing of their case, to the claim of Gabriel and William Winter, heretofore often before congress, (who claim, under a Spanish grant, a tract of land of 1000 acres square in Arkansas—the point in dispute being whether the said grant conveyed 1000 acres square, or 1000 square acres.)

But this proposition was rejected—for it 13, against it 26; and the bill, as above stated, was agreed to in the committee of the whole as follows:

YEAS—Messrs. Benton, Brown, Lou. Eaton, Edwards, Elliott, Gaillard, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of N. Y. Knight, Lowrie, Mills, Noble, Otis, Palmer, Parrott, Pleasant, Seymour, Stokes, Taylor, Thomas, Van Dyke, Williams, of Miss.—25.

NAYS—Messrs. Barton, Boardman, Brown, of Ohio, Chandler, D'Wolf, Dickerson, Holmes, of Maine, Lanman, Macon, Morrill, Ruggles, Smith, Van Buren, Walker.—14.

The amendment was then reported to the senate, agreed to, and the bill ordered to be engrossed for a third reading.

The engrossed bill to provide for the collection of the duties on imports and tonnage in Florida, was read the third time, passed, and sent to the house of representatives for concurrence.

The senate spent a short time on executive business; and then adjourned.

April 1. The engrossed bill relative to the claim of the marquis de Maison Rouge was read a third time, and recommitted for the purpose of introducing an amendment. [The amount of this claim has been much over-rated—it embraces only about 180 000 acres.]

The engrossed bill to abolish the United States' trading establishments with the Indian tribes was read the third time, passed, and sent to the house of representatives for concurrence.

The remainder of the day was spent in considering the bill for the adjustment of incomplete French and Spanish land titles in Missouri.

April 2. Some documents were received, in a message from the president, relative to Beaubien-chais' claim.

Mr. Benton laid on the table the following resolutions:

Resolved, That the president of the United States be requested to communicate to the senate, at their next session, such information as may in the meantime be obtained, showing the number of persons of white or part Indian blood, detached from their tribes and living among the white people in each of the states of Missouri, Illinois, and Indiana, and the territories of Arkansas and Michigan—the names of the heads of each family, and the number of their children; and whether the father or mother, and which is of whole or part Indian blood—the names of each single person of the same description above the age of twenty one years—the state of education among them, the religion which they profess, and the places of their residence—the causes which have induced them to quit their tribes and settle among the white people; and whether they have received donations in land from the French, and Spanish, or American governments, and if any, how much; from what government received, where situated, and whether the donee now possesses it.

Resolved, That the president be requested to cause the said information to be collected from the United States' Indian agents, and such others as he shall think proper, by causing the appropriate inquiries to be addressed to them, and the substance of their information to be digested into a report and communicated to the senate.

In introducing the above resolutions, the mover, Mr. Benton, stated his object to be to obtain correct information with respect to the descriptions of persons therein mentioned, with a view of making some provision to better their condition. He knew of many persons in the states and territories of the description mentioned, some of whom had applied to him to propose a law to give them lands, as had been given to the early white settlers in the same countries. He had delayed acting on their request in order to obtain full and correct information, to make it the basis of a law that would operate generally in behalf of all such persons now residing in the white settlements, and others who may chuse to do the like: conformably to the idea contained in the president's inaugural address of the 4th of March last.

The senate made progress in the consideration of several bills.

April 3. The senate took up the resolutions submitted yesterday by Mr. Benton; and, after some objections on the improbability that congress could effect the object avowed by the mover, &c. they were laid on the table.

The bill to perfect certain locations and sales of public land in Missouri, was ordered to be engrossed for a third reading; and that respecting the title of the marquis de Maison Rouge was passed, 27 to 14, and sent to the other house.

The senate, after debate, disagreed to the amendments of the other house to the bill providing for paying to the states of Missouri, Mississippi, and Alabama, three per cent. of the nett proceeds of the sales of public lands within the same.

The vote stood 16 to 16, and was decided by the casting vote of the president.

Several bills were partially considered.

The following resolutions, submitted by Mr. Holmes, of Maine, yesterday, were taken up, viz.

Resolved, That the president of the United States be requested to furnish the residue of the information required by the resolution of the 11th of March, 1822, as soon as convenient.

Resolved, That the president be requested to communicate to the senate the number of the officers and men belonging to the navy, attached to each naval station in the United States, with the duties they respectively perform, and the compensation each has received in pay and rations, and other emoluments, for two years, ending on the first day of January last.

After an explanation from Mr. Holmes, and some discussion on them, they were laid on the table.

HOUSE OF REPRESENTATIVES.

Friday, March 29. Several members who were necessarily absent yesterday, asked leave to record their name in the affirmative, on the vote taken about the recognition of the independence of the late provinces of Spain, in South America. After considerable discussion as to the propriety of the proceeding, liberty was given—and the whole vote stands on the journals 167 yeas, 1 nay. It is useless to give the names of those in the affirmative. [One member who was absent by indisposition yesterday, as well as to day, requested leave, by letter, to record his name in the affirmative; but this was refused.]

Mr. *McLane*, from the committee on naval affairs, made the following report:

The committee on naval affairs, to whom was referred the resolution of the house of representatives of the 4th instant, instructing them to inquire into the expediency of modifying the act, entitled "An act for the gradual increase of the navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built," make the following report:

That, by the act above referred to, passed the 29th April, 1816, the sum of one million of dollars per annum was appropriated for the gradual increase of the navy of the United States; and the president of the United States was authorized to cause to be built nine ships, to rate not less than 74 guns each; and twelve ships, to rate not less than 44 guns each, including one 74 and three 44 gun ships, authorized by a previous law. The president was also authorized to procure steam engines, and all the imperishable materials necessary for building and equipping three steam batteries; and, by the 4th section of the act, it was provided that "the moneys appropriated by this act shall not be transferred to any other object of expenditure." By the act of 3d March, 1821, instead of the appropriation contained in the original act, the sum of \$500,000 per annum, for six years, was appropriated to carry into effect the purposes of the said act; and that the whole of this sum will be required to complete the objects contemplated by these acts. That, pursuant to the instructions and objects of these laws, there has been built and equipped one ship of the line, viz. the *Columbus*; and that there has been built and launched three ships of the line, viz. the *Ohio*, the *North Carolina*, and the *Delaware*, and one frigate at Washington, the *Potomac*; that there is now on the stocks, built and ready to launch, one ship of the line at Boston;

that there are now on the stocks, nearly finished, one ship of the line at Portsmouth, N. H. one frigate at Philadelphia, and one frigate at New-York; that there is on the stocks, about half finished, one ship of the line at Gosport, Virginia; that preparations have, for some time past, been making, for putting on the stocks one ship of the line at Boston, one frigate at New-York, one frigate at Portsmouth, N. H. and one frigate at Washington; and that the frames, and nearly all the timber and other materials have been provided for building one ship of the line at Philadelphia, one frigate at Washington, one frigate at Boston, and one frigate at Norfolk; that the live oak frames, and nearly all the other timber, and two steam engines, have been provided for two steam batteries at New York, and one steam battery at Washington. The committee further report, that the articles on hand, and those contracted for, could not be advantageously applied to the building of vessels of a smaller class than those for which they were provided and designed. "The frames of our ships of the line are all got to moulds, each particular piece has its appropriate place in the frame," and the labor of reducing them to a size suitable to smaller vessels, would be nearly, if not quite, equal to the expense of a new frame. The copper provided, too, is generally heavier than is used for sloops of war.

In the opinion of the committee, the frames being cut to moulds, which, being the cheaper and better plan, the commissioners of the navy, with a due regard to the before recited acts, were authorized to direct, there would be great risk of losing them entirely, by their warping out of place, if they are not put together.

The committee are of opinion also, that the funds appropriated for the gradual increase of the navy, cannot be diverted to any other objects, consistently with good faith, or the real interests of the nation.

The policy was adopted upon great consideration, and with a view to the defence of our sea coast, and in a well founded conviction, that it was wise and prudent gradually to increase our naval force in time of peace, and to render it efficient in the exigencies to which the country must be always more or less exposed. It is believed that the best defence for this country, and that on which it must principally rely, not only for the protection of our commerce, but to prevent the actual invasion of the soil, is the naval force. The act for the gradual increase of the navy was founded on this presumption, and designed by gradual means, in a manner least oppressive to the country, to lay the foundation of an efficient naval power, and to prepare, in time of peace, that description of force, which could not be easily raised up in time of war, but which would be indispensable in such a crisis. It requires much time and great care to prepare the materials, and construct the vessels of the class provided for in the acts, and the experience of the late war had fully demonstrated the necessity of such a force, by teaching us the facility with which the enemy could blockade a large portion of our coast, with a single ship of the line.

The committee are of opinion that it would be unwise to change this system, founded upon so many important considerations, without some urgent necessity, and in their opinion none such exists; on the contrary, there seems to be even stronger reasons for adhering to the policy, and cherishing the growth of our naval power, now that foreign nations are modeling their naval architecture after our improvements, and at a moment when our fu-

reign relations are about to be extended, upon a scale which should at least admonish us against any diminution of, or an indifference to, the means of national defence.

The committee are aware of the importance of sloop of war, as a class of naval force indispensable both in time of peace and war; but they are a class which may be provided in a shorter time, and with considerable advantage, even after the exigency has arisen; and, though they would be useful in time of peace for many services, and especially for the discipline of our officers and the more effectual suppression of the piratical marauders upon our commerce, the committee believe it would be unwise to break in upon the fund for the gradual increase of the navy, even for such objects, and therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient to modify the act, entitled "An act for the gradual increase of the navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by the said law to be built.

The report was ordered to lie on the table.

Mr. *McLane*, from the same committee, reported a bill "to fix and render permanent the naval peace establishment of the United States;" which was read twice and referred to a committee of the whole on the state of the union.

Mr. *Cook*, from the select committee to whom was referred sundry communications from the secretary of the treasury, in relation to the inspection of the western land offices, &c. made a report thereon, entirely exculpating the secretary of the treasury, or other persons, from censure on the ground which was the subject of this inquiry, and concluding with a resolution "that the committee be discharged from the further consideration of the subject."

Mr. *Cook* stated, that it was due to himself and to the committee to say, that the committee were not unanimous in agreeing to the report, and to express the views which he personally had of this subject, which he considered, in some points of view, as of great importance, he offered a counter resolution, which he requested might accompany the report, and be laid on the table with it.

This proposition occasioned some remark. Mr. *McLane* thought the gentleman from Illinois had deviated from the usual practice in making reports—each member of a committee might do the same; and he intimated that Mr. *Cook* stood alone in the committee, in opposition to the report. The speaker interfered to prevent a waste of time by debates on incidental questions—he thought that nothing but the report of the committee was under consideration; in the case of the Seminole war a counter report had been presented and received, but he thought it an erroneous proceeding and not to be drawn into precedent. Mr. *Cook* defended the course he had adopted, and quoted the example in the case of the report at the last session on the admission of Missouri, &c. After which—

The question was taken on laying the report on the table, as moved by Mr. *Cook*, and carried.

Mr. *Cook* then submitted the following resolution:

Resolved, That the employment of members of congress by the executive, or any executive officer of the United States, in the performance of any public service, during the continuance of their membership, for which they receive compensation out of the public treasury, is inconsistent with the independence of congress, and in derogation of the rights of the people, and, if it be not already, ought to be prohibited.

Mr. *Canon* required the question of consideration of the resolution; and that question being taken, the house agreed to consider the same.

Mr. *Cook* moved for a reconsideration of the vote taken upon the disposal of the resolution reported by the committee; on the ground that his object was to offer a resolution as an amendment or rather as a substitute for the resolution reported by the committee.

Here a question of order arose, which caused much speaking; it ended in deciding that Mr. *Cook's* resolution should be laid on the table in the same manner as the report had been.

A message was received from the president of the United States transmitting information, called for by the house, relative to any private claim which has been set up to the island in the Delaware river, called the Pea Patch; which was referred to the committee on the judiciary.

The Speaker presented a communication from the treasury department, transmitting information relative to the balances of appropriations unexpended at the end of each year from the commencement of the government to the 31st of Dec. last; money received by collectors and receivers and not paid over, &c. &c. which was ordered to be laid on the table.

The house then took into consideration the bill to authorize the secretary of the treasury to exchange certain stocks bearing an interest of six and seven per cent. for stock bearing an interest of five per cent.

Mr. *Smith's* amendments were considered—

Mr. *Colden* was opposed to the amendments, because he wished to strike out the words *twelve* millions, and to insert in lieu thereof *five* millions, so as to reduce the amount of stocks to be exchanged; and also, to sell the 70,000 shares of stock in the bank of the United States which are owned by the government. The amount of dividends which had been received upon the bank stocks belonging to the United States during four and a half years, had been 13 per cent for the whole period, amounting in the aggregate to \$910,000, whilst the interest on the seven millions which was borrowed to pay for that stock, had amounted, during that period to the sum of \$1,575,000, making a loss to the United States of 665,000 dollars. But Mr. C. stated that, from the present price of that stock in the market, \$980,000 would be gained to the United States from the surplus price of the shares above par; so that the operation of the amendments he proposed would be, as he contended, to save to the United States \$196,000 per annum, and to put more than half a million of dollars into the public treasury.—Mr. C. entered into a variety of considerations to evince the propriety of the project he had submitted, and concluded by observing that he should vote against the bill, yet, if it should be adopted, he thought the plan which he had suggested was altogether the most expedient course that could be pursued.

Mr. *Smith*, of Md. remarked, that the gentleman from New York, (Mr. *Colden*), had admitted that 980,000 dollars were obtainable from the present value of the stock above par. Nor was that all; for the bank of the United States had performed the duties of the loan offices, which had saved the United States \$100,000 annual expense. Mr. S. proceeded a considerable length in explaining and enforcing the expediency and necessity of the measures that had been resorted to, in relation to the bank of the United States, and he contended that the stock of that bank had already fallen, by the refusal of one branch of the legislature at this session to aid it; and if the 70,000 shares belonging to the United States should be thrown at once into

the market, he believed the stock would fall down to 90, and perhaps to 80, so that the United States would utterly fail of obtaining the expected premium. It would evince such an hostility on the part of the government to that institution, as would destroy all confidence in the value of the stock.

At length the amendments were agreed to, and the bill ordered to be engrossed for a third reading—*Yeas 79.*

The house then resolved itself into a committee of the whole (Mr. Mallory in the chair,) on the bill to provide for delivering up persons held to labor or service in any of the states, or territories, who shall escape into any other state or territory.

After some time spent therein the committee rose, the house refused leave to sit again, and the bill was referred to a select committee.

The other business transacted will appear in its course.

Saturday March 30. Mr. Garnett, after stating that it has been his misfortune not only to differ with all his colleagues but with the whole house, about the recognition of the late South American provinces, asked leave to insert on the journals a written declaration of the reasons for his vote. This was refused—[however, he has accomplished his purpose, by reading it, and it is published in the newspapers among the proceedings. We may take an opportunity to present it to our readers and preserve it. Mr. Garnett expresses great satisfaction at the independence of the provinces, but doubts the policy of a present acknowledgment of it by the United States.]

Some proceedings had been relative to the adoption of Imlay's invention for the security of the mail, &c. and some private bills were passed.

An engrossed bill, to authorize the secretary of the treasury to exchange certain stocks, bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent. was read a third time.

A long debate followed, in which the chief speakers were Messrs. F. Johnson, Buchanan, Fuller, Woodson, McDuffie, Tucker, and S. Smith. [The purpose of this bill, as it now stands, is to exchange 26 millions of stock, bearing an interest of 6 and 7 per cent. and payable in 1825—6—7—8, for other stock bearing an interest of 5 per cent. and the argument was upon the expediency of anticipating the time of payment, and of subjecting the U. States to the payment of interest on this sum for a long period, when, perhaps, the revenue might be sufficient to retire the loan, &c. But the friends of the bill made it out that the receipts of the government could not be expected to do more than pay the ordinary expenses, and others were induced to vote for the bill because its saving of interest.]—The question on the passage of the bill was decided as follows:

YEAS—Messrs. Allen of Ten. Archer, Baldwin, Barber of Conn. Barber of Ohio, Baylies, Bayly, Blackledge, Borland, Breckenridge, Buchanan, Burrows, Burton, Cambreleng, Campbell, of N. Y. Campbell, of Ohio, Casady, Cocking, Cushman, Cuthbert, Daie, Durfee, Dwight, Eddy, Finckley, Gabbard, Gilmer, Gross, Harvey, Hawks, Hendricks, Herrick, Hill, Hobart, Hooks, Jackson, J. T. Johnson, J. S. Johnston, Jones, of Ten. Kent, Kirkland, Litchfield, Lowndes, McCarty, McCoy, McDuffie, McSherry, Mallory, Matson, Mitchell, of Pa. Montgomery, Moore, of Va. Moore, of Va. Moore, of Ala. Morgan, Neal, Nelson, of Va. Nelson of Mass. Newton, Patterson, of N. Y. Pierson, of Pa. Pierson, Fitcher, Plumer, of N. H. Plumer of Pen. Poinsett, Reid, of Mass. Reid, of Geo. Rhea, Rogers, Rugless, Russ, Russell, Sanders, Sawyer, Scott, S. Smith, W. Smith, Alex. Smyth, J. S. Smith, Spencer, Sterling, of Con. Sterling, of N. Y. Stevenson, Swan, Tattall, Taylor, Thompson, Tod, Tucker, of Va. Vance, Van Rensselaer, Van Wyck, Walworth, Whipple, Williamson, Wood, Woodcock, Wright.—*99.*

NAYS—Messrs. Alexander, Allen, of Mass. Ball, Bigelow, Blair, Brown, Cannon, Chambers, Cocke, Connor, Cook, Crafts, Darlington, D. D. Dawson, Edwards, of Conn. Edwards, of N. C. Farrelly, Fuller, Garnett, Gist, Gorham, Hall, Hamblill, Holcomb, F.

Johnson, Lathrop, Leftwich, Lincoln, Long, McNeill, Mattocks, Mercer, Metcalf, Murray, Overstreet, Phillips, Rankin, Rich, Ross, Sergeant, Sloane, Arthur Smith, Snodgrass, Toulinson, Tracy, Tucker, of S. C. Upham, Warfield, White, Whitman, Williams, of N. C. Williams, of Va. Wilson, Woolson, Worman—*55.*

And then the house adjourned.

Monday, April 1. Among the petitions of this day, Mr. Keyes presented a petition of David B. Lee, of Philadelphia, controverting the right of James Bennet to the invention of a flying machine, for which said Bennet, some days since, asked for exclusive privileges from congress. The petitioner claims that he is the genuine discoverer of this invaluable art of flying, and solicits exclusive privileges for himself. On motion of Mr. Keyes, the petition was referred to the committee to whom was referred the petition of James Bennet.

After the transaction of a variety of business, which will sufficiently appear in its progress, and attending to some uninteresting matters except to the parties immediately concerned—

Mr. Smith, of Md. moved a re-consideration of the vote of Saturday, by which Mr. Garnett was refused permission to spread on the journals, his reasons for voting against the resolutions to recognize the governments of South America. The principle of the proposition was discussed—finally, permission was granted, *yeas 89, nays 71*—and then,

Mr. Garnett submitted his declaration, (which he had reduced to an abbreviated substitute for that proposed by him on Saturday) to be entered on the journal, which was as follows:

I, Robert S. Garnett, a member from Virginia, make the following declaration: That I voted against the recognition of the independence of the late American provinces of Spain, because, considering it a question of policy not of principle. I believed that no immediate advantage could grow out of it to either country, whilst many considerations, affecting the interest of both, rendered it at this time inexpedient. I am not opposed to the independence of the late provinces; on the contrary, in common with the rest of my countrymen, I heartily rejoice in its accomplishment, and in the prospects of freedom and happiness which it opens to them.

A long debate took place on the memorial of the legislature of Tennessee, claiming payment for horses lost in the Seminole war. The report of the committee was reversed, so as to render it favorable to the claim, and re-committed.

A message was received from the president of the United States, relative to the Beaumarchais' claim, which, together with the documents accompanying the same, on motion of Mr. Smith, of Maryland, was ordered to be laid on the table.

Tuesday, April 2. Sundry bills, &c. were presented and differently disposed of.

Mr. Walworth, from the committee on military affairs, who were instructed specially to inquire into the subject, made a report of some length, concluding with the expression of the opinion of the committee, "that the army has been reduced according to the provisions of the act of the last session for fixing the military peace establishment;" which report was ordered to lie on the table.

Mr. Walker moved that the house do come to the following resolution:

Resolved. That the committee on military affairs be instructed to inquire into the expediency of granting a bounty of land to the non-commissioned officers and privates who enlisted and served twelve months during the late war against Great Britain, and who, by existing laws, are not entitled to receive a bounty in land.

Mr. W. supported his resolution in a speech of considerable length—but, as he himself seemed to anticipate, the house refused to agree to it.

Beaumarchais' claim was, after debate, referred to a select committee. [This claim appears to hang over congress like Amy Darden's famous one, which was, at last, decided in her favor.]

It was proposed to take up the bill to authorize the holding of a district court at Louisville, in Kentucky, which Mr. *Hardin* opposed the present consideration of, on account of the bill which had been received from the senate defining admiralty jurisdiction, &c. and the bill was laid aside for the present.

The orders of the day being called for, Mr. *Sawyer* moved to postpone the orders of the day which precede the bill further to establish the compensation of officers of the customs, to alter certain collection districts, and for other purposes. But the house refused to give to this bill the preference requested.

After transacting other business not of general importance—

The house went into a committee of the whole, on the bill making appropriations for the support of government for the year 1822;

To which a number of amendments, (not of a very important character), as to the compensation and allowance to clerks and other officers were proposed, and some of them carried: after which the committee rose and had leave to sit again.

Wednesday, April 3. Several select committees were announced, and some reports on different cases received, which shall be noticed as needful.

Mr. *Kirkland* submitted for consideration the following resolution:

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of providing by law for the punishment of such officers of the United States as are entrusted with public moneys by virtue of their office, who shall apply the same to any purpose or purposes incompatible with the duties of their office, whereby the United States shall sustain a loss.

Mr. *Kirkland* supported his resolution by a speech—several rose on the subject—and, after some modifications, the proposition was agreed to, with the following addition, offered by Mr. *Cook*—“And, also, into the expediency of requiring all such officers to be dismissed from office upon failure faithfully to account for the money or property so confided to them.”

Mr. *Wood* submitted a resolution which had for its purpose the establishment of a new department, to be called the Department of Indian Affairs—but the house refused to consider it.

On motion of Mr. *Condict*, it was

Resolved, That the committee on the judiciary be instructed to inquire whether any, and what further measures are necessary for the more speedy recovery of such sums of money as are due from public defaulters to the United States.

Several bills of a private, or local, nature were passed. The house resolved itself into a committee of the whole on the general appropriation bill—some of the small items were ineffectually contested, except the clause to provide for the compensation of a commissioner of the public buildings at Washington, which was struck out by a large majority. The committee rose, reported progress, and had leave to sit again.

THURSDAY'S PROCEEDINGS—APRIL 4.

In the senate—A good deal of time was spent on the bill to allow a drawback on the export of cordage made out of foreign hemp, the expediency of which was much questioned by some and advocated by others—it was postponed until Monday.

No important matter considered this day.

In the house of representatives—Mr. *Cocke* laid on the table the following resolution:

Resolved, That a select committee be appointed, whose duty it shall be to sit in the recess of congress, and inquire into the affairs of the several departments of the government. That said committee have power to send for persons and papers; and that they be required to make report to congress at an early period of the next session.

i he bill to revive and continue in force certain acts concerning allowances for pensions on the relinquishment of bounty lands, was ordered to a third reading.

The general appropriation bill was taken up—many proposed amendments were made and negatived; the appropriation of 180,000 dollars for surveying the public lands was reduced to 100,000. The committee had leave to sit again.

CHRONICLE.

The North Carolina 74 is fitting out at Philadelphia, to proceed round to Norfolk. Her mainmast weighs upwards of twenty-six tons.

Died, at Charleston, on the 24th ult, captain *John Cassin*, of the U. S. navy, and commanding naval officer on that station.

Mobile is becoming a place of great importance; and, it is possible, may soon be one of the most populous of our southern cities. In 1813, when the flag was changed, it contained less than 300 inhabitants; in Dec. 1819, when it was incorporated, they amounted to 809; and the present number is given at 2,800, one third of whom are blacks.

New-Hampshire. Gov. Bell is re-elected with very little opposition.

Salmon. The first salmon that appeared in the Boston market this season, was purchased by the keeper of the Exchange Coffee House, for 24 dollars. It weighed 16lbs.

Specie. The British frigate *Thames* has arrived at Havana from Vera Cruz, with a million of dollars on board, and a quantity of cochineal, for the merchants of that place.

Wholesale dealer. A person was arrested at New-York, who has just arrived from New-Orleans, with about 50,000 dollars in gold about him, the product of certain counterfeit bills of the bank of the United States, which he had passed off at the latter place and its neighborhood.

The dropsy. A lady, aged about 27 years, lately died at Baltimore, who had been tapped seventy-six times by Dr. Chatard, in the space of 2 years and 7 months. The quantity of water obtained was eight hundred and seventy-one quarts! When Dr. C. first saw the patient, she informed him that she had been tapped three times.

Marriage contracts. A bill is brought forward in the legislature of New-York, which ordains “that a conviction and sentence of any person to the *state prison* for life shall be deemed a dissolution of the marriage contract”—and that even *pardon* shall not restore him or her to matrimonial rights.

An assortment. A Charleston paper furnishes the ensuing items of the cargo of a vessel that sailed from a port of Maine for Charleston, but was driven to Bermuda by stress of weather:—17,000 lbs. fresh beef, 2,000 lbs. fresh turkeys, 1,000 lbs. fresh geese and chickens, 500 lbs. fresh sausages, 500 lbs. fresh hasletts, 80 lbs. fresh liver, 169 lbs. fresh mutton, 1 bbl. fresh tripe, and 1 bbl. apple sauce—all stowed away, for safe keeping, among a goodly quantity of ice.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

¶ We present to our readers abstracts of many important reports and interesting papers laid before congress, in numerous instances giving all the generally useful information in a few dozen lines, that is spread over many large pages. As these condensations often cost twenty times more labor than could be applied to the writing of an ordinary article, paragraph or piece of the same length, we think that we are so much the more entitled to "credit" for them.

CONGRESS—both houses have agreed to adjourn on Wednesday, the 8th May.

RELIGIOUS WAR! The quiet of Philadelphia has long been much disturbed by certain disputes between the Roman catholic bishop, resident there, and his adherents, and the rev. Mr. Hogan, a priest of that church and the pastor of St. Mary's congregation, and his friends and followers; and a great deal has been said about these matters in the public papers. Mr. Hogan, it seems, was excommunicated in ample form, but the congregation stood by him, and the trustees of the church being favorable to him, he continued to preach and perform the religious services of it as before.

The election for trustees took place on Tuesday last—the polls were advertised to be opened at 11 o'clock: but, during the night preceding, or very early in the morning, one party took possession of the grave yard, in which stands the church—~~at~~ 6 o'clock, A. M. the other party met in the street in front of the church: they were now separated by an iron railing. At about 9 o'clock, from the pressure of the crowd, the railing gave way, and then a general battle commenced with clubs and brick-bats, previously prepared for the occasion, by which many were wretchedly mangled, though, it is said, that none were killed. After the fight had continued for some time with the greatest fury, the civil authorities interposed with so much effect as to quiet the people sufficiently to attend to the election. There was much dispute about who were the legal judges, and it finally resulted in this—that the partisans of each side commenced the receipt of votes, and each claimed a majority in its favor. Two sets of trustees being elected, it is supposed that the matter will go before the supreme court for settlement.

It appears as if two or three thousand persons may have been concerned in this hideous and disgraceful affair—which must be a subject of great grief to a large majority of a very numerous and highly respectable congregation, as well as to the sober-minded people of Philadelphia at large—who, we hope, since this unhappy affair, may find increased *charity* for the misfortunes of others.

SETTLEMENT OF ACCOUNTS. A laudable spirit is at work in congress to coerce the officers of the United States to a prompt settlement of their accounts—and we do not think it improbable that if settlements had always been made quarterly or semi annually, we should have saved many millions by it. We have always been of opinion, since we first looked at this great concern, that any officer who does not render his accounts at stated periods

and stand prepared to pay over the balance in his hands at any time when required, should be dismissed—and a neglect or procrastination of *actual settlements* at the accounting offices, should subject their chiefs to the same sort of penalty. It is well known that some accounts, rendered, remain unadjusted for years. It will not take any longer to close a quarterly return within the next ensuing quarter after it is made, than if settled years afterwards; and, if there are not clerks enough to keep up with the business, a sound regard to economy and respect for common honesty, would direct the employment of more. Were this the case, it might be right and proper to refuse any credit or further advance to persons standing charged on the books, as principal or surety.

The other day, in looking over a "letter from the comptroller of the treasury, transmitting a list of balances on the books of the register, which remain unsettled or appear to have been due from late collectors of the customs, more than three years prior to the 30th Sept. last," the name of a person met my eye, whose funeral I had attended about or not less than twenty-five years ago. The item is a little more than 3000 dollars, and the remark against it is, that the defendant in the case (and he is named), who is the surety, is "entirely solvent," as surely he is, for perhaps fifty times the amount, and a most worthy and honorable gentleman in the bargain—who would, no doubt, have paid the money long ago, if he had thought that he was justly liable for it, and without legal process. I therefore presume that he is not bound to pay it—but whether he is or is not, certainly, the period of *twenty five years* is long enough to have tried the question, and to have removed the accounts from the books.

Some of the items in this list are very heavy—and the remarks upon the chief of them are discouraging. To "clear the decks" of *actual defaulters* and prevent new defalcations, settlements should be forced on *both parties*; thus many honest men would be relieved of the odium of being considered otherwise, and many be kept honest that would slide into roguery, under the present system of procrastination.

KENTUCKY. One hundred and seventy or eighty dollars in bills of the bank of the commonwealth of Kentucky, are now given for one hundred dollars in specie or for so much of the bills of approved banks! Surely, legislators will discover, after a while, that such must needs be the result of an adherence to the rag-system. The legislature of this state is summoned to meet on the 13th of May, to lay off the state into districts for the election of members of congress, &c and a hope is entertained that something will be done about the currency.

THE SINKING FUND. We have a copy of the annual report of the commissioners of the sinking fund. The following notice of the contents of this document seems all that is necessary for us to publish at this time.

"*Estimate of the application, in 1821, of the funds provided for the payment of the principal and interest of the public debt.*"

Deferred Stock	\$534,033 08
Treasury notes	1,700 00
Louisiana stock	2,071,360 00
Mississippi stock	634,022 53
Certain parts of domestic debt	54 45

Principal redeemed	3,241,170 06
Interest on domestic funded debt	5,050,711 13
Do. on Louisiana st'k, reimbursed	36,560 88

Total, principal and interest \$8,328,442 07

There is a "statement of the appropriation of ten millions of dollars by the second section of the act to provide for the redemption of the public debt, passed 3d March, 1817," of which this is a summary:

The "appropriations" for the years 1817, 1818, 1819, 1820 and 1821, are given as amounting to 50 millions—

The payments on account of the principal and interest, in the same years, form an aggregate of \$44,699,429 77

And, what is called the "balance applicable to payments after the 31st Dec. 1821," is 5,500,570 23

\$50,000,000 00

Now, any one who has not paid considerable attention to the subject, would suppose from this statement, that the commissioners, having paid off all the public debt that was redeemable at the pleasure of the government, were forced to leave these *five millions unemployed in the treasury*: but to suppose this would be as far from the true state of the case, as to believe that the results have agreed with the treasury calculations. *Why* it is thus put down, I shall not pretend to say. The two million loan of 1820 is not paid, because this "balance that is applicable to payments after the 31st Dec. 1821," was expended to pay the current demands against government in the years 1820 and 1821. How a thing that is *not* can be said to be "applicable," is beyond my learning to find out. As well might the calculations of the treasury department in 1817, by which the whole public debt, payable in the years 1825, &c. was to be paid by the regular revenue, be considered as "applicable" to the bill now before congress to borrow money to pay these debts!

By the provisions of the act of 1817, it appears to me that the commissioners of the sinking fund were required to demand of the treasury, money sufficient to redeem the two million loan. It is true, they must have known that there was not any money in the treasury; yet if ten millions were "appropriated" to be disbursed by them, why did they not call for them? But there was no "appropriation," except by the act of 1817; which was killed in 1820, without the formality of a trial. There was no necessity for this statement, and we should have been glad if it had not been offered to the people—at least, in the shape that it is. It does not look well. It is less pleasant than the pompous account that the *National Intelligencer* gave us about the "balance of trade," because it is "official."

The public debt of the United States, on the 1st of January, 1822, is thus given:—

Amount of debt on the 1st Jan. 1822, 93,957,665 14
Deduct reimbursement of the deferred stock in 1821, estimated at 534,095 41

Estimated amount per statement (3) which accompanied the secretary's report of the 10th Dec. 1821 \$93,423,605 73

The particulars are as follow:

Deferred stock, with its reimbursement for 1821	2,059,885 53
Three per cent. stock	13,295,956 94
Six per cent. of 1796	80,000 00
Exchanged six per ct. of 1812	2,668,974 99
	18,104,816 56
Six per cent. of 1812	6,187,006 84
Six per cent. of 1813,	
16 millions	15,521,136 45
Do. do. 7½ millions	6,836,232 39
Six per cent. of 1814,	
25 and 3 millions	13,011,437 63
Six per cent. of 1815,	
18,482,500	9,490,099 10
Seven per cent. stock	8,606,355 27
Treasury note six per cent. stock	1,465,285 47
Five per cent. stock, subscription to bank of the U. States	7,000,000 00
Six p. ct. stk. of 1820	2,000,000 00
Five p. ct. stk. of 1820	999,999 13
Five per ct. stock, per act of 3d March, 1821	4,735,296 30
	75,852,848 56
	\$93,957,665 14

From the above amount, deduct the estimated reimbursement of the deferred stock in 1821, \$534,059 41, and the aggregate of the debt on the 1st Jan. 1822, was \$93,423,605 73. We are not apprized of the reason why, if the 534,000 dollars were paid, in 1821, on account of the deferred stock, its amount is included at all in a statement made out to shew the debt in 1822.

Present amount of debt	\$93,423,605
Amount, 1st Jan. 1820	88,899,338

Actual increase in two years 4,524,272
FOR WHAT?—and WHEREFORE?

THE NAVY. We insert the bill reported to the house of representatives to fix the naval establishment of the United States. The following will shew the present amount of officers on the list and the amount proposed.

	On the list.	Proposed.
Captains	31 . . .	*25
Masters commandant	31 . . .	23
Lieutenants	195 . . .	140
Surgeons	46 . . .	25
Surgeons mates	41 . . .	30
Pursers	40 . . .	36
Chaplains	10 . . .	6
Midshipmen	333 . . .	400
Sailing masters	58 . . .	20
Boatswains	15 . . .	20
Gunners	17 . . .	20
Carpenters	12 . . .	20
Sail makers	8 . . .	20

¶ We think that if this bill is passed into a law, and a reduction is made by the discharge of those who are nothing else than dead-weights on the establishment, the people will be well satisfied with the arrangement—a considerable saving will be made, without, in the least, touching the efficiency of our naval means, as was set forth in this work some months ago. By the great reduction of sailing masters, it appears that midshipmen are design-

*One rear admiral, five commodores and nineteen captains.

ed to take upon them the duties of that office,—which, hitherto, has not been in the line of promotion. The grade of commodore is proposed to be established, and it is well;—but why the first officer should be called a “rear admiral,” we are wholly at a loss to conjecture. There is a meaning in the term as used in Europe, where there are many admirals—but in the United States, wherein it is proposed to have only *one* officer of that rank, it appears worse than useless to give him a classification which implies that he has a superior in command; or, if the president of the United States, *ex officio*, is presumed to be the admiral, let the head of the navy be called *vice-admiral*.

NAVAL STORES, &c. The committee on naval affairs have made a report on the subject of naval stores and munitions of war, appertaining to the naval department. Every thing is minutely detailed, and the places at which the articles are deposited are designated. The following is a recapitulation of some of the items, procured under the appropriation for the gradual increase of the navy or under former appropriations, and all fit for service.

Cannon—42 pounders 16; 32 do. 604; 24 do. 165; 18 do. 179; 12 do. 125; 6 do. 30; 4 do. 33; 3 do. 2; 2 do. 3; 1 do. 1.

Carronades—68 pounder 1; 42 do. 292; 32 do. 311; 24 do. 89; 18 do. 71; 12 do. 33; 9 do. 7; 6 do. 5; 2 brass 4 pounders.

Other ordnance—26 cannon of different calibres; 10 brass cannon from 1½ to 6 pounders; 43 gun-ades; 23 howitzers; 6 mediums; 5 mortars; 18 eprouvettes; 22 swivels; 72 repeating do.

The shot, powder, materials, &c. small arms, &c. are in large quantities—and there are many pieces of condemned ordnance, shot, &c.

SEAMEN. The expenditures for the relief of sick and disabled seamen for the year 1820, and in what manner made, are published in a late statement from the treasury department. The aggregate is \$90,764 63. Some of the places at which the amount was disbursed are as follows:

At Baltimore, 764 provided for	cost 25,254
Philadelphia, 640	16,746
New York, 763	12,400
Norfolk—(number not given)	6,649
Boston, 545	6,290
Savannah, 252	5,098
New Orleans, 382	4,726
Newport, 46	3,656
Charleston—(general return)	1,353
Portsmouth, 58	1,147
Alexandria, 43	1,134
Providence, 56	1,109
New London, 60	1,090

All other places under 1000 dollars.

GENERAL-POST-OFFICE. By a document laid before the house of representatives, in pursuance of a resolution directing the secretary of the treasury to report to the house “what progress has been made in the settlement of the arrears in the accounts of the post-office establishment, and also what difficulties, if any, have interfered with the final liquidation thereof,” it appears by a letter from the comptroller, that when he came into office in March 1815, these accounts had only been settled up to the 3rd quarter of 1808, inclusive—but they are now brought up to the end of 1816; and the Fifth Auditor states, that when his office was established in 1817, the said accounts had not

been adjusted further than the 3rd quarter of 1816, inclusive; but are now adjusted to the close of the 1st quarter of 1819.

The labor of going over these accounts is, no doubt, exceedingly great, embracing settlements with about 4,000 persons—but this is no reason why they should be so much behind-hand. The quantity of labor to be performed is the same whether they are promptly or slowly settled—and “short settlements make long friends.” It appears that the comptroller and auditor have kept as many clerks employed on those accounts as they could spare from the performance of other duties—but we would hope that they might be allowed to call in additional aid to have them brought up; after which they may easily be kept square. “A stern chase is always a long one.”

PLATTSBURG. It appears, by a report of the secretary of war, on the call of Mr. Walworth, of the house of representatives, that when the British, under the command of Sir George Prevost, were advancing on Plattsburg, in 1814, a number of young gentlemen organized themselves and volunteered their services in defence of their country. They were chiefly under the age at which they were liable to the performance of military duty, say from 15 to 17. Their services were gladly accepted, and we have the testimony of gen. Macomb and gen. Mooers, of the New York militia, that they acquitted themselves most nobly. They accompanied the latter to Beekmantown, and were very active in assisting in the defence of the passage of the Saranac. General Macomb says “their services were important,” and it appears that the brave lads, being light of foot and full of zeal, harassed the enemy day and night, marking and giving information of his movements, “which it was both difficult and important to obtain,” &c. For these deeds, gen. Macomb made a conditional promise that each of them should be presented with a rifle, as a mark of the approbation of their country; but it seems this promise cannot be complied with unless a law is passed to authorize its fulfilment; and hence the subject has been brought up.

The following are the names of this little band of patriots, which we shall do our duty by preserving in this work.

M. J. Aikin, *captain*; Azariah C. Flagg, *lieutenant*; Gustavus A. Bird, Ira A. Wood, James Trowbridge, Hazan Mooers, Henry K. Averill, St. J. B. L. Skinner, Frederick P. Allen, Hiram Walworth, Ethan Everist, Amos Loper, James Patten, Bartemus Brooks, Smith Batemen, Melancthon W. Travis, Flavel Williams.

INDIAN TREATY. The treaty concluded with the Ottawa, Chippewa and Pottawatamie tribes of Indians, at Chicago, in August last, by gov. Cass and Solomon Sibley, esq. on the part of the United States, and a large number of chiefs and warriors on the part of the tribes, has been ratified by the senate, and is published in the National Intelligencer. As usual, it provides for the cession of a large tract of land, which is located on the east side of lake Michigan, in which, however, there are many reservations in favor of individuals; in compensation for this, the United States are to pay the Ottawa nation one thousand dollars, in specie, annually for ever,—and for ten years allow 1,500 a year for the support of a blacksmith, of a teacher, and of a person to instruct the people in agriculture; the Pottawatamies are to receive 5,000 dollars a year for twenty years, and for fifteen years to have 1,000

annually expended to furnish them with a blacksmith and a teacher. Nothing to be paid to the Chippewas.

To this treaty the marks (and the names added) of more than sixty Indians are affixed—among them many like the following: *Ketchamuchinawa, Mateheepnuchewish, Harweezuckkemeck, Cheegwamack-guago.*

THE CAPITOL. The amount of money expended in the year 1821, on the centre building, has already been stated at \$102,314. The amount of persons employed as carvers, stone-cutters, bricklayers, coppersmiths and laborers, during the summer months, was about 225. Carvers and bricklayers at 150 cents per day; stone-cutters at 137½; carpenters and coppersmiths at 112½; laborers at 75; the last at 70 cents during the winter, and the others a little less than the sums just stated. During the year 1,258 tons of free stone and 1,212,045 bricks were purchased and paid for. There is a great deal of work yet to be done on this edifice—but it is resolved that the vast dome over the centre building shall be of wood, and about \$100,000 more expended, will shew much progress towards its finish. The sum of 120,000, dollars has been appropriated by the house of representatives, for the purpose of carrying on the work during the present year.

WOOLEN GOODS. A report of the secretary of war, dated the 4th ult. shews the amount of woollen goods, purchased for the army, during the years 1820 and 1821, of whom purchased, the prices paid, and what portion thereof was of American manufacture. The amounts for the two years are as follows:

Of American manufacture—99,500 yards kersey, white and grey; 3000 do. green cloth; 2171 doz. pairs of stockings; 1,763 do. do. socks; 4000 blankets; 7,300 yards blue cloth; 41,000 do. flannel; 260 do. black cloth; 50 doz. pair of gloves.

Imported goods—9,000 blankets; 3 yards green cloth; 31 do. velvet; 209 do. blue cloth; 9 dozen pairs of mittens; 402 yards scarlet cloth.

So it appears that, in the article of blankets excepted, the amount of imported goods purchased was very small; and it is added, that "all materials for, and articles of clothing provided for the army, not included in this statement, are, without exception, of domestic manufacture."

The price paid for kersey was from 1 40 to 1 50; cloth 1 90 to 2 30, six quarters wide; stockings at 5 50 per doz. flannel at from 34 to 37½; blankets at 2 90, &c.

FOREIGN NEWS. Paragraphs and items from different foreign journals received by the late arrivals:

England, &c. Hickman, the boxer, was conveyed to the scene of action by his backer (one of the Rothschilds), in a barouche and four, with two outriders, and a man in front sounding a bugle. Mr. Rothschild, it is said, lost 10,000 dollars by the result.—[Deaths by boxing are quite common in England—one paper contains accounts of three.]

The number of criminal offenders committed to Newgate last year, was 1974, of whom 1305 were convicted, 105 of them sentenced to suffer death; but 27 only were executed, 6 of them for uttering forged notes. The number transported for life was 109; for 14 years, 165; for 7 years, 370.

The number of newspapers published in the united kingdom, at this time, is 220, of which 37

issue from the metropolis, 130 from the provinces of England and Wales, 31 from Scotland, 54 from Ireland, and 8 from the islands of Jersey and Guernsey, &c. More than one-fifth emanate from London.

A coal merchant was convicted before the magistrate, at Bolton, in the mitigated penalty of ten pound and costs, for paying one of his workmen's wages otherwise than in the current coin of the realm; contrary to the statute 1, Geo IV. c93.

The house that is building for the duke of Wellington, at the cost of the laborers of Great Britain, by the act of their government, is to be *one thousand and eight hundred feet long!* that is, about one-third of a mile. Many a poor wretch will be starved for this.

The following is one of the proclamations posted up by the Irish disturbers of the peace—"take this down w. dare. Reason—We, the united body of the commissioners, commiserating our sad state, and determined to abolish all tithes, taxes, and rent, do offer a reward of 80 pounds for the head of a head minister, 50 for a curate, 20 for a proctor, and 10 for a bailiff.

MARSHAL ROCK."

Some singular reports are in circulation, with respect to jewelry, to no less an amount than 64,000! furnished by a well known house, the account for which was recently submitted to Mr. Herries of the treasury, as part of the coronation expenses.

Mr. Bochsa is now in treaty with madame Catalini, for an engagement to perform at the ensuing oratorios at Covent garden theatre. The lady asks but 3,000! for her services for the season, consisting, of about 15 or 20 nights; the gentleman has offered 2,000! which offer the lady has thought proper to reject, and thus the matter at present rests.

It is stated that at a public sale in Staffordshire, four draught horses had been sold for 5l. the first for 2l. 10; the second for 1l. 7; the third for 1l. 3; and the fourth for 10s.—In Barnstable, on the 22d January, prime beef was selling at one penny half penny, (not three cents) a pound.

The bank of the United States remitted two millions of dollars, in the stock of that institution, to England, for sale; upon the strength of which they were drawing bills of exchange, at a premium of 12½ per cent.

It is said, that within the last twelve months, the under-writers at Lloyd's, have paid a million for losses.

On the 7th of February, lord Liverpool gave notice in the house of lords, that he intended to move a postponement of the ordinary business, in order to enter upon an immediate consideration of the state of Ireland; the information received by ministers respecting which, called for prompt and more efficient measures. A similar motion was made in the house of commons, the same evening, by lord Londonderry, who distinctly stated, that it was the intention of his majesty's ministers to propose the re-enactment of the insurrectionary act.

It appears, from an official digest of the returns respecting the poor rates in England and Wales, that the average of the years 1748—49—50 was 689, 971½; and that for 1819—20. 7, 329, 594½ sterling. During the latter year the sum was 8, 672, 252½.

By the returns of the poor in England and Wales, it appears, that, for law expenses only, in the year 1819, more money was paid than the whole expenditure for the king, his court, ministers, judges, ambassadors, the princes, and all the state pensioners added together. The whole expenses of the

poor amount to a sum equal to the revenue of the emperor of Russia, who maintains an army of a million of soldiers, and to more than twice the expenses of the government of the United States.

By some slight notices of *Kean*, the play-er-man, in the London papers, it seems that his nods and winks, sudden starts and awful pauses, have worn out—and that it is no longer fashionable to believe that he is, (what he himself thought that he was), the greatest man that ever lived! But the time was that if any one doubted his greatness, it only showed his own ignorance or envy! Such is fashion—but truth will prevail.

Revenue and expenditure—general summary. Income, Great Britain. 51 millions; Ireland, 4½ do.; total 55½ do. in money. Expenditure—interest on funded debt, 30 do.; do. on unfunded debt, 1 do.; due East India company and Greenwich hospital, 2½ do.; expenses of government 18½; total 52. Balance of income over expenditure last year, 3½ do.

France. Some very arbitrary regulations have been adopted to put down the small degree of freedom that remained to the press in France.—The ministers have arranged them just as they pleased.

The fitting out of an expedition for the reduction of *Myti* was suggested in the chamber of deputies—but when it was shewn that not less than 30,000 men and a very large fleet would be required, the project was silenced.

The late English papers contain a translation of the annual report of the bank of France, on which the editor of the *Times* makes the following remarks, which we extract, as they have a general application to all similar institutions:—

"It is a document of no small degree of curiosity; for it affects nothing stately or mysterious—it makes no unreasonable demands on the blind confidence of the members composing the corporation, in the integrity or discretion of the few individuals whom they delegate to manage their affairs. Every item of debt and credit, of profit and loss, is brought forward with frankness and simplicity. The prospects of the concern are explained, as well as its past operations. Yet, strange to say, with all this departure from foreign precedent, the prosperity attained to by the bank of France, seems no less striking and unquestionable, than the clear development of the means which led to it is characteristic of conscious rectitude and honour.

"The bank of France has a fixed capital amounting to 90,000,000 francs, or 3,759,000*l.*; on which sum there has been distributed, within the last year, a dividend of upwards of 8 per cent, being 84 francs for each share of 1,000 francs, besides a reserved profit of 12 per cent, more.

"The general operations of the bank have, within the same period, acquired a greater magnitude than ever. The bills discounted in 1820, amounted to 254,000,000—in 1821, they increased to 384,000,000. The accounts current, during the same period, rose from 544,000,000 to 605,000,000.

"Again, the total amount of receipts and payments, during the last year, was in specie 546,924,103; in paper 7,049,708, an enormous mass of pecuniary transactions, especially when it is considered that these were exclusive of services rendered to the public treasury by which some moderate addition was made to the dividend on the shares. It may be worth remarking in conclusion, that the whole current expenses of this great national establishment, including salaries and all other outgoings, do not exceed the sum of 461,000 francs, or about 19,000*l.* per annum."

The following is presented as a specimen of the manner in which subjects are discussed in the chamber of deputies; and such scenes are not uncommon:

In the sitting of the 31st Jan. on the clause of the bill regulating the censorship of the press, which relates to libels on members of religion.

"General Foy proposed, as an amendment, to substitute the words 'functionary of religion,' for the words 'minister of religion,' and of imprisonment from one month to a year, and a fine of from 500 to 1000 francs, for 'imprisonment of from 15 days,' &c. 'Before I develop my amendment,' said the general, 'I shall say something to the last speaker, because it is nearly the hundredth time that he has repeated his declaration at this tribune. The members of the opposition have always been faithful to their oaths—(*Laughter on the right*)—to the chief of all oaths, that of fidelity to their country. Never have they separated themselves from the soil of their country, from the mass of the nation—(*Bravos on the left*)—for the nation, the country, was neither at Coolentz nor Ghent, it was upon the natal soil. (*Violent murmurs on the right; applause on the left*)—You speak incessantly of the 20th March. Who led to it? (*Explosion of voices on both sides:—You! You! Long interruption.*)—Who gave to the monarch peridious counsel, with which, upon his return, he reproached his government? On the 20th of March one of those phenomena was seen which appears but once in the lapse of ages—an immense power acting at once upon recollections, upon interests, upon imaginations: The soldiers who were stationed between Cannes and Paris flocked into the presence of their general, (Bonaparte) as soon as they had heard that he had landed. Can it be wondered at? (*Violent interruption. A voice: were you at Cannes? Other voices: No, he commanded for the king at Mantes.*) An immense mass of public functionaries (*Inexpressible tumult. A voice: Mr. president, call the rash speaker to order.*)

The president—Pray, gentlemen, be silent, and allow me to judge whether the orator is in or out of order.

On another occasion, exclamations were heard of, 'We will sleep here!' 'You are partisans of discord!' 'We will remain here until midnight!' &c. &c. While M. de Serre (late keeper of the seals) was explaining, in answer to an imputation, a member called to him:—'You deserve a patent for ignorance!' and towards the close of the debate, the president himself received a direct, and not very courteous contradiction from Mr. Benjamin Constant.

Spain—They write from Arevalo, that one of the deputies nominated for the new cortes, had lately passed through that town, who, by his modesty, had excited much curiosity. He travels on foot, says the letter, *leading a horse* which, with his harness and decorations, cost nine dollars. His garb is more than modest; but his head and his ideas are most excellent. Nor does he travel in this humble manner on account of his poverty, for he has relinquished, for the benefit of the nation, 6000 reals given him by the province for his journey, and has cancelled fourteen debts of arrearage pay.

By files of the Gibraltar Chronicle, received at New York, it appears that the Spanish cortes, contrary to the recommendation of the king, adopted, on the 12th February the opinion of their committee, relative to sending commissioners to South America; and, the day following, they further approved of the following three additional propositions, viz:

that the cortes should annul the Cordova convention between gen. O'Donoju and the Mexican leader Iturbide, as also any other treaty, act, or stipulation, relative to the acknowledgement of the independence of Mexico by the same general; that the government be urged to declare to other governments, that Spain has not given up her right to her provinces beyond the seas, and that, therefore, *she will consider as a violation of the existing treaties, the partial or absolute acknowledgement of their independence before the differences between them and the mother country shall have been adjusted*;—and lastly, that government be likewise urged to endeavor, by every possible means, to preserve, and speedily to reinforce, such points in those countries as still maintain their relations with the mother country, and refuse to make common cause with the malcontents. ¶ This gives to the state of affairs a very different appearance from what they were represented, by way of Paris.

Naples.—The proceedings against the conspirators of 1820 have terminated; the number condemned amounts to 110.

Russia.—Exports to the United States from St. Petersburg in the year 1821, in 78 American vessels—3921 casks of tallow; 275,976 pounds of iron; 315,639, do of clean hemp; 41,665 do outshot; 1,315 half clean; 2,143 do of 12 head flax, and 1,535 do of bristles.

In the year 1819, there were 1,522,134 births in the Russian empire, viz: 796,426 males and 725,708 females—90,686 more than in the year 1818.—The deaths were 919,109—viz: 467,668 males and 451,441 females—44,102 more than in 1818. The births exceed the deaths by 603,025; of the latter 233,697 were of males under 5 years old.

It appears from the tables, that if the deaths of persons under 10 years of age are deducted, the greatest mortality in Russia, for any period of 5 years, takes place at the age of from 60 to 65 years.

Among the deaths of the male sex (the age of the females is not stated) there were 18,741 above 80; 5,754 above 90; 1,094 above 100; 324 above 105; 179 above 110; 90 above 115; 56 above 120; 23 above 125; 13 above 130, and two the extraordinary age of between 140 and 150.

Turkey, &c. Peace with the Persians appears to have been the result of negotiation, through the mediation of a Sheik—after which the Persians retreated with much haste to their own country, from the neighborhood of Bagdad. The power of this people is much over-rated.

A London paper says—a letter from an officer on board his majesty's ship Seringapatam, at Zante, states that a skirmish had taken place between that ship and some Greek soldiers; that one of the insulted men, belonging to the Seringapatam, was ultimately murdered, for which crime six Greek soldiers have since been hanged and gibbeted on the top of the highest hill in the island.—A tolerable specimen of retaliation!

Africa. The Caffrees are at war with the British again, and appear to have caused much uneasiness at the Cape of Good Hope, for the colony lately established at Algoa bay.

Mr. Beechy, at Tripoli, was about starting on his expedition into Lybia—the bey had afforded him every facility in his power.

Colombia, &c. Bolivar, at the head of a powerful army, is said to have marched “to Popayan, to open a campaign against the unfortunate province of Quito”—in which, from this, we presume there is some disturbance. All else appears to be entirely quiet, and commerce was reviving. *Yucatan* is

declared independent, and the people of the territory of the isthmus, having held a council at Panama, have decreed that they belong to the republic of Colombia, and would send deputies to the congress. They ask of Bolivar a small body of men to garrison some of the most important points.

Mexico.—The royalists still held the castle at Vera Cruz—flags were often passed between the castle and the town, possessed by the patriots. It is stated that the first congress sat at Mexico on the 24th February. Perfect harmony subsisted throughout the empire. An ambassador had been sent to Spain for the purpose of soliciting one of the royal family as emperor of Mexico, provided he would live in the empire. It was, however expected, that Don *Augustin de Iturbide*, chief of the independents, would be elected. The royalists had generally emigrated to Spain and her provinces, with their valuable property.

LATEST NEWS. *London papers of the 15th Feb.*—Parliament has re-enacted the Irish insurrectionary act, and repealed the habeas corpus, in respect to Ireland;—for the proceedings 198, against them 68. The insurrection bill, says a London paper, gives to magistrates a right to enter into the most retired and delicate part of any dwelling house, and, if refused admittance, to force the chambers even of females. By this act, any man found out of his house, between sunset and sunrise, any person found drinking in a public house in the same period, whether a traveller or not—any owner or occupier of a house, absent from home within the same period—any person, in whose possession either arms or ammunition are found—all these are liable to transportation for seven years; and this, too, without the interference of a grand jury by bill—without the petty jury by their verdict, and without allowing the grieved party any satisfactory appeal.

Nothing has transpired relative to the determination of the emperor of Russia in regard to Turkey. It is denied that the Porte has agreed to his ultimatum.

A treasury order has issued to permit the use of wheat in malting and distilling in England. The accounts from Ireland shew that the disorderly spirit is greatly increasing. The government is said to have resolved to borrow four millions, to be loaned to the agriculturalists at a low rate of interest and on easy security.

The French law of the press is published—it is completely tyrannical.

Land Office Examinations, &c.

HOUSE OF REPRESENTATIVES, MARCH 29, 1822.

Mr. *McLane*, from a select committee, delivered in the following report, which was read, and ordered to lie on the table:

The committee, to whom was referred the several communications from the secretary of the treasury, of the 28th January, and 18th February, 1822, in obedience to several resolutions of the house of representatives of the 4th January, and — February, 1822, respecting the manner in which the several land offices have been examined, by whom examined, and the moneys paid for such examination, &c. having examined the subject submitted to them with great deliberation, make the following report:

That, by the laws of the United States, it is made “the duty of the secretary of the treasury to cause, at least once every year, the books of the officers of the land offices to be examined,

and the balance of public moneys in the hands of the several receivers of public moneys of the said offices, to be ascertained." That, previous to the year 1816, this examination had been made by persons residing in the vicinity of the respective offices; but, in progress of time, the augmentation in the receipts of these offices rendered more information necessary, and gave an importance to the examination, which it had not previously possessed. These circumstances proved the inadequacy of the old system, and, in 1816, induced the late Mr. Dallas, then secretary of the treasury, to direct the examination to be made by one of the clerks of the general land office, who was also permitted to make a similar examination in 1817; and received for his services, in each year, at the rate of three dollars per day, in addition to his salary as clerk. That, since the year 1817, the examination has been made by persons disconnected with the department, and who have received for their services, at the rate of six dollars per day, and six dollars for every twenty miles travel.

That, in the year 1821, Jesse B. Thomas, esq. a senator of the United States, from Illinois, was permitted, by the secretary of the treasury, to examine the offices in Ohio, Indiana, Illinois and Missouri, for which, as appears by the documents before the committee, he received a sum amounting to the allowance, which has been established since the year 1817. That the principal inducement to permit the said Jesse B. Thomas to make the examination, as stated by the secretary of the treasury, appears to have been an expectation, that he would be enabled to secure to the United States a large amount of public money in the bank of Vincennes, at the time that bank stopped payment, which service he performed, and for which he has not received or demanded any compensation.

Although the committee consider the duty of suggesting or recommending any alteration in the mode of examining the land offices, to be properly within the province of the committee on public lands, to whom this part of the subject naturally refers itself, they are nevertheless, free to declare it as their opinion, that the public interest does not require any change in the mode which has been pursued since the year 1817.

The committee presume, however, that this was the least important object of the reference of the subject to them; and that the design principally was, that they should consider and report upon the effect of permitting Jesse B. Thomas, esq. a senator of the United States, to examine the said offices, in 1821, in which it has been supposed that both the constitution of the United States, and the act of congress "concerning contracts," passed the 21st of April, 1808, have been violated.

Although the committee freely admit the power and jurisdiction of the house of representatives, to guard the purity of our institutions from violations, which it is the peculiar province of congress or of the people to punish or remedy; they cannot recognize either its justice or dignity, in conducting ex parte investigations into breaches of highly penal statutes, and the commission of misdemeanors amenable by the laws to a different tribunal. Such precedents might lead, in worse times, to consequences of a ruinous and most troublesome character. They might be used to authorize congress to become the expositors of their own laws, or improperly to throw the weight of their opinion into the deliberations of the legitimate tribunals. They would be very apt to be seized upon to produce public excitement, and be perverted to the

purposes of ambitious men and individual resentments.

At the same time, the committee would not be understood as ascribing the present investigation to such motives, and, as well on this account, as from a just sense of the policy of our institutions, and the character of the individuals concerned, they submit to the house the general views which they are constrained to entertain.

The committee are clearly of opinion, that the examination of the land offices by Jesse B. Thomas, esq. was not a violation of the constitution of the United States.

That instrument forbids the appointment of members of congress, during the time for which they were elected, to any civil office, created, or the emoluments whereof shall have been increased, during that time; and, also, prevents any person holding an office under the government, from being a member of congress during his continuance in office.

The object was to take from congress the means or inducement of creating place or emolument for themselves, and thereby guard the rights and interests of the people from the encroachment of executive power. The committee are the advocates of this policy, and would be the last to weaken its influence in the government. But the case of Mr. Thomas is clearly not within the words or the spirit of the first, and if it could be considered as embraced in the latter clause, his appointment would, nevertheless, be constitutional, since only the holding incompatible offices, at the same time is prohibited, with which idea the daily practice of the government, from its organization, is in strict conformity. In fact, the congress of the U States has hitherto been the theatre on which the ablest men of our country have become distinguished for their virtue and intelligence, and recommended themselves to the highest honors and places in the government. The same theatre has matured their experience, and conducted our greatest statesmen to the executive and judicial departments at home, and to foreign courts abroad, with equal advantage to the ornament and real interests of the nation.

If therefore, there could be such an incompatibility as is imagined, it would then resolve itself into the question, whether Mr. Thomas, by accepting the appointment, had vacated his seat in the senate, and with that body your committee would, in that case, be disposed to leave it.

But, your committee are of opinion, that the duty of examining the land offices is not such an office as was contemplated by the constitution of the United States, which opinion seems to have received the sanction, and regulated the practice of the government, since the adoption of the constitution, by those who bore a principal share in composing it; and must, therefore, be supposed to have understood its real import.

The committee refer to the appointment of Mr. Tracy, a senator of the United States, by president Adams, in the year 1800, to inspect the posts on the northern and northwestern frontier. For this service, Mr. Tracy received a liberal compensation, and extra mileage, which is stated on the records of the senate of that day. Under the administration of Mr. Jefferson, Mr. Dawson, a member of the house of representatives, from Virginia, was appointed as the bearer of a treaty to France, and was paid for performing the duty; and, during the administration of the same president, Mr. Smith, a senator from Tennessee, was appointed a com-

missioner to treat with the Indians, and actually executed two treaties, under this appointment.—They also refer to the instance, at a still more recent period, during the administration of president Madison, of the appointment of Mr. Worthington, a senator, and Mr. Morrow, a representative, from Ohio, to negotiate with the Indians. In each of these cases, the individuals referred to, executed the trusts confided to them, still retained their seats in congress; and in the senate, passed upon their own acts. The committee content themselves with these instances, without enumerating others, as affording a clear exposition of this clause in the constitution.

The act of congress, which it is supposed has been violated by permitting Mr. Thomas to examine the land offices, was passed the 21st April, 1808, and is entitled "An act concerning contracts."

The first section provides, that, from and after the passage of this act, no member of congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and, further, imposes a penalty on any member of congress so offending.

The act further provides, "that if any officer of the United States, on behalf of the United States, shall, directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, other than those therein excepted, on conviction thereof, shall be guilty of a high misdemeanor, and fined in the sum of three thousand dollars."

The 5th section provides, that, "after the passing of this act, it shall be the duty of the secretary of the treasury, secretary of war, secretary of the navy, and postmaster general, annually, to lay before congress a statement of all the contracts which have been made in their respective departments during the year preceding such report," &c.

Without meaning to pronounce any opinion, whether a court of justice would so interpret the law as to be applicable to the case of the examination of the land office by Mr. Thomas, the committee are aware that the words are extremely broad, and, if such could be supposed to be their true intent and meaning, would be capable of embracing every imaginable case in which a member of congress could be called to perform any duty, or render any service in behalf of the U. States, and which, by any possibility, could be termed a "contract, bargain, or agreement."

They could especially be extended to the appointment to negotiate treaties, whether the member should afterwards resign or not; to the appointment of printers to publish the laws of the United States; and to the employment of counsel in causes in which the United States have an interest—than none of which, it is apprehended, is the duty of examining the land offices more plainly within the scope of the words. But, by the cotemporary practice which occasioned the law, and which followed its enactment, among those who were liable to its provisions, and always disposed to comply with its terms; who either aided in making, or lived and were familiar in the times and circumstances in which it was made, and were conversant with the men and their objects, by whom

it was passed; it has received a different construction, and has never been considered as prohibiting any of the employments above enumerated.

From the organization of the government, down to the passing of the law in 1808, it had been usual to give such appointments to members of congress, and though in the case of Mr. Tracy, his demand for mileage was not deemed reasonable, neither the legality or policy of the usage had ever been questioned. But, in the years 1807 and 1808, John Smith, a senator from Ohio, had entered largely into contracts with the war department, for supplying the northwestern army; and Matthew Lyon, a representative from Kentucky, had numerous contracts with the postmaster general, for carrying the mail. These contracts had produced considerable excitement in congress, where their influence had been manifested; and especially the former, under the supposition that John Smith had become connected with the schemes of A. Burr, and used his contract to subserve them. After a fruitless attempt to expel him from his seat in the senate, the law in question was passed. From the date of this law, all contracts, of the nature of the two last, ceased to be given to members of congress; while all other trusts and agencies, as before referred to, continued to be given, and the returns from the different departments made accordingly, without serious complaint.

The appointment of Mr. Worthington and Mr. Morrow, both active in their respective places, in passing the law of 1808, as commissioners to negotiate with the Indians, was made very soon after the law was passed, and by president Madison, who was secretary of state at the time of its enactment, and could no more be supposed to be ignorant of its general objects, than disinclined to obey its injunctions in their true spirit and meaning.*

It is believed by the committee that the late William Pinkney was employed as counsel in behalf of the United States, while he was a member of the house of representatives from Maryland, and argued some causes in the supreme court, and received a liberal compensation for his services. It appears, too, that, in 1818, upon the occasion of certain complaints made at the office of the secretary of the treasury, against a receiver of public moneys at Vincennes, the present chief magistrate of the United States, directed the senators from Indiana to investigate the subject, and though the investigation did not proceed, one of the senators, who lived at a distance, and attended for the purpose, was afterwards allowed his travelling expenses. On another occasion, in the year 1819, the hon. Benjamin Ruggles was directed to aid the superintendent of the Cumberland road, in taking proper security from the persons entering into the

**Note by the editor of the Register.*—Though it does not seem necessary to add the documents, generally, that accompany this report, we feel it due to the subject to call the attention of our readers to one of them, which we are rather surprised that the committee did not, at this place, allude to: its amount is as follows—col. R. M. Johnson and judge Morrow, at that time both members of congress, were appointed, on the 24th May, 1814, to treat with the northwestern Indians: but this appointment was revoked on the 31st of the same month, by gen. Armstrong, then secretary of war, by direction of president Madison, who had not before adverted to the fact that the acceptance would vacate their seats in congress. See document No. 81, page 12.

contracts, and received from the superintendent seventy-two dollars for his services.

In the department of state, there exist few occasions for giving a construction to this law "concerning public contracts;" though, in this department, the employment of a member of congress, being the editor of a newspaper, to print the laws of the United States, has not been considered by John Quincy Adams, esq. "or by his predecessors, as prohibited by the act of congress, or as coming at all within its purview"—accordingly, your committee find that James J. Wilson, esq. a senator from the state of New Jersey, and the editor of the *Trenton True American*, was employed to print the laws, during the time he was senator, from 1815 to 1821, and from the year 1804.

In the navy department, the committee have heard of no particular cases, or of any particular practice, other than that arising from the annual returns under the fifth section, which are exclusively confined to contracts for *work and supplies*.

The committee believe it to have been usual in the war department, also, to employ members of congress as counsel in behalf of the United States, and they refer particularly to the instances of Mr. Baldwin, of the house of representatives, and of Mr. Rodney, of Delaware, of the senate, employed and paid as counsel, under the direction of the present secretary of war.*

The committee refer, also, to the case of a member of the house of representatives in the present congress who is employed, under the authority of the war department, as a superintendent of a fortification of the United States, for which he receives an annual compensation.†

Upon these instances the committee forbear any comment; proceeding to remark, however, that in

*The secretary of war, in a letter dated the 5th April, addressed to the chairman of the committee, says there is a mistake about the employment of Mr. Rodney and Mr. Baldwin by the department. †It appears that Mr. Rodney was employed sometime previous to *July* 1820, and paid for his services on the 8th *Novr.* in the same year. He was elected in October 1820, to serve after the 6th of *March* 1821, but not qualified until Dec. in that year; so he was not employed while a member of congress. And Mr. Baldwin, it seems, was only engaged, previous to taking his seat in 1817, by major Woolley, of the ordnance, in the case of a soldier indicted for murder, for which, even yet he had not received any compensation. This happened before Mr. Calhoun came into office. Mr. B. about the same time, was also employed by certain commissioners appointed to dispose of some lots, the property of the United States, at Pittsburg, for which he received 100 dollars];—but it cannot be ascertained, from the records of this office, that any part of the service was rendered subsequent to the time of his taking his seat in congress."

‡In the case of "a member of the house of representatives in the present congress," it is understood that Mr. Hill, from Maine, is referred to; and it appears that he was employed by gen. Ripley, in 1816, to take charge of the fort and other public property at Phippsburg, and that he has received a compensation averaging \$116 50 *per annum*.—These accounts were never submitted to the war department—the auditors having considered the authority of the commanding officer as sufficient for their allowance. Mr. Calhoun says in conclusion, that he had no "knowledge that Mr. Hill was so employed."

this practical construction there has been an uniformity, which could scarcely have resulted from any thing else than a universal impression of the real meaning of the law. By the 5th section it has been perceived, that the secretary of the treasury, secretary of war, and of the navy, and the postmaster general, are directed to make annual statements to congress, of such contracts, made in their respective departments, as are comprehended in the law. But in none of these returns, which have been annually made, are included any of the cases enumerated, *whether the service had been performed by a member of congress, or any other person*, and under the idea that these were not of the description of contracts to which the law had reference; the returns embrace only contracts for labor, for furnishing supplies, and for carrying the mail; and it is also worthy of observation, that, though this 5th section designs to compel a return of all contracts within the law, it does not require any such return from the department of state, in which, though it is true no such contracts as gave rise to the law, are ever made, it has, nevertheless, an extensive patronage, a part of which is that of authorizing the publication of the laws, which may be dispensed to members of congress, and, as we have seen, falling clearly within the general scope of the words of the law of 1803. Neither has it been usual, or deemed necessary, to make a record, in either of the departments, of any such instances, whether the service was performed by a member of congress, or others, pursuant to the law, requiring all contracts made by the respective departments, in behalf of the United States, to be recorded.

The committee do not wish to be understood as referring to these instances, and to this course of practice to justify or excuse an error in one department by detecting similar abuses in others; nor as affording an interpretation which, if erroneous, should have the force of judicial decision; but merely as the means by which the objects and meaning of the law may be ascertained, as illustrative of the sense in which its provisions have been received and understood by the most distinguished statesman, and the ablest constitutional lawyers of the country, and by the common consent of all whose duty it was to obey them.

They refer to them, as demonstrating a contemporaneous practical construction, which has prevailed, without concert, in all of the departments, and to which an officer, entering the office long after the construction had become adopted, might naturally conform his conduct.

On the whole, the committee have seen nothing in the case submitted to them, which can lead to the presumption, that either of the individuals concerned had any intention either to violate the provisions of the law, or to abuse or disregard the spirit and policy of our institutions.

They are of opinion, that the employment of Mr. Thomas to examine the land offices, originated in a desire honestly to discharge an important public duty; that the peculiar importance of the trust at the time, and the character and elevation of the individual employed, were calculated rather to invite than forbid the selection. Nor have the committee any reason to believe that the duty has not been faithfully performed, and in a manner conducive to the public good.

Under these circumstances, and with such impressions, the committee do not deem it necessary to single out this case for particular animadversion, or to pronounce upon the comprehensiveness or

precise import of the act of 1808. They content themselves with referring to the construction which it has uniformly received in practice, and to the conviction that the public good, and not any sinister or improper purpose, was intended; and they therefore recommend the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Reduction of the Navy.

HOUSE OF REPRESENTATIVES, MARCH 29.

A bill to fix and render permanent the naval establishment of the United States.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the naval peace establishment of the United States shall from and after the day of consist of one rear admiral, five commodores, nineteen captains, twenty-three master commandants, one hundred and forty lieutenants, twenty sailing masters, four hundred midshipmen, twenty-five surgeons, thirty surgeons' mates, thirty-six pursers, six chaplains, twenty boatswains, twenty gunners, twenty carpenters, twenty sail makers; and of all other officers, petty officers, seamen, ordinary seamen, and boys, a number not exceeding three thousand and three hundred; but the president of the United States may, if in his opinion the good of the service shall require it, make additional appointments of midshipmen: Provided, however, That the whole number of midshipmen shall not, at any one time, exceed four hundred and fifty. The president shall also have the power, if in his opinion the exigencies or the good of the service should require it, to give acting appointments of lieutenants and master to such midshipmen as have passed the examination, required by the regulations of the service, to qualify them to be lieutenants in the navy: Provided, The whole number of acting lieutenants and masters, including those holding commissions and warrants, shall not exceed one hundred and ninety lieutenants and sailing masters. And the president shall also have the power to appoint such additional chaplains, boatswains, gunners, carpenters and sail makers, as the good of the service may, in his opinion, require, not exceeding, however, ten chaplains, ten boatswains, ten gunners, five carpenters, and five sail makers; but none of the officers retained in service under this act, shall be entitled to receive more than their monthly pay, without rations, during the time when they shall not be under orders for service.

Sec. 2. *And be it further enacted*, That the secretary of the navy, with the approbation of the president of the United States, may grant furloughs to such of the officers as may choose to enter the merchant service of the United States, or such foreign service as the president may approve, for a term not exceeding two years; subject, however, to be recalled at any time he may deem necessary and proper; but all officers so furloughed, shall receive only one half their monthly pay, without rations, during the time they shall be, in such manner, absent from the public service.

Sec. 3. *And be it further enacted*, That, for the preservation of the ships and vessels placed in ordinary, the president of the United States shall have the power, provided he may deem the same necessary, to attach, permanently, to each ship or vessel, the following officers, seamen, ordinary seamen and boys, that is to say: To a ship of the line,

one captain, two lieutenants, one sailing master, four midshipmen, one boatswain, one gunner, one carpenter, two carpenter's mates, who shall be caulkers, eight seamen, eight ordinary seamen, and six boys. To each forty-four gun frigate, one captain, one lieutenant, one sailing master, three midshipmen, one boatswain, one gunner, one carpenter, one carpenter's mate, who shall be a caulker, six seamen, six ordinary seamen, and four boys. To each of the frigates rated less than 44 guns, one captain, one lieutenant, one sailing master, two midshipmen, one boatswain, one gunner, one carpenter, one carpenter's mate, who shall be a caulker, five seamen, five ordinary seamen, and three boys. To each of the sloops of war, one master commandant, two midshipmen, one boatswain's mate, one gunner's mate, one carpenter's mate, who shall be a caulker, three seamen, three ordinary seamen, and two boys. To each of the brigs and schooners, of not less than ten guns, one lieutenant, one midshipman, one boatswain's mate, one gunner's mate, one carpenter's mate, who shall be a caulker, two ordinary seamen, and two boys. To each of the several stations, at which ships and vessels are placed in ordinary, shall be attached one surgeon, and one surgeon's mate, to attend all the sick of such ships and vessels; one purser, to execute the duties of purser to all such ships and vessels; one chaplain and one schoolmaster, who shall perform, in their respective stations, the duties of chaplain, mathematician, and schoolmaster, on the station, under the superintendence of the senior officer of such ships and vessels in ordinary, whose duty it will be, under such instructions as may be given by the secretary of the navy upon the subject, to establish a school on board of the ship to which he is attached, for the purpose of instructing the midshipmen on the station, and those belonging to the ships in ordinary, in the several branches of mathematics, geometry, trigonometry, and navigation, agreeably to the rules and regulations of the navy.

Sec. 4. *And be it further enacted*, That each of the following naval stations, to wit: Portsmouth, New-Hampshire, Charlestown, Massachusetts, New York, Philadelphia, Washington, Gosport, Va. and one other station, south of the Chesapeake, (such as the president of the United States shall select), shall be under the command of a of the navy, who shall have, agreeably to such regulations as are now, or may hereafter be established, by authority of law for the service, a general superintendence over the ships and vessels in ordinary at those stations, respectively, as well as over the officers (such officers only excepted as may be senior in rank) and crews attached to them. And it shall be the duty of such officers and crews, under his general superintendence and direction, to keep clean, ventilate, and prevent, by constant examination, and, when necessary, caulking such rents and seams in the respective vessels to which they are attached, as may be found open, the deleterious effects arising from water getting between the timbers, and for the preservation, repairing, and overhauling of the rigging, stores, &c. of the ships and vessels in ordinary, deposited in the navy yards and store houses, as well as for the rigging and equipping of any of the public ships or vessels fitting for sea, and like purposes: the commanding officers of the respective ships in ordinary, shall, upon the requisition of the commandant of the yard, furnish, from time to time, agreeably to the general regulations of the service, such number of officers and men, as, in his opinion, the work to be done may require.

Sec. 5. *And be it further enacted*, That all officers attached to vessels in ordinary, shall be allowed their full pay and rations, and such quantity of fuel and candles, provided they live on board of the respective vessels to which they are attached, as they would be allowed were they at sea.

Sec. 6. *And be it further enacted*, That to the officers stationed at the several navy yards, that is to say, Portsmouth, N. H. Charlestown, Mass. New-York, Philadelphia, Washington, Gosport, Va. and one other yard south of the Chesapeake, the following annual compensations, in lieu of all pay, rations, and emoluments, shall be allowed; to the

commanding, three thousand dollars; to the master commandant, one thousand seven hundred dollars; to the lieutenant, one thousand dollars; to the sailing master, eight hundred and fifty dollars; to the surgeon, if attending a hospital, one thousand five hundred dollars; to the surgeon, if not attending a hospital, nine hundred dollars; to the surgeon's mate, seven hundred and fifty dollars; to the purser, eight hundred dollars; to a laboratory officer at Washington, seven hundred and fifty dollars; to each midshipman, three hundred and fifty dollars; to each boatswain, gunner, and sail-maker, five hundred dollars; which compensations shall be paid quarterly.

Sec. 7. *And be it further enacted*, That to any other naval station in the United States, (other than those enumerated in the preceding section), the president of the United States may deem necessary, there shall be attached one master commandant, who shall have the like superintendence over such station, as is provided in the fourth section of this act for the commandants of the several navy yards, therein enumerated; and the following annual compensations, in lieu of all pay, rations and emoluments, shall be allowed to the officers attached to the lake stations, that is to say:

If attached to the station on lake Ontario, the master commandant shall be entitled to one thousand three hundred dollars; the surgeon to eight hundred and fifty dollars; the purser, who shall perform also the duties of store keeper, to eight hundred dollars.

If attached to the station on lake Erie, the master commandant shall be entitled to one thousand two hundred and fifty dollars; the surgeon to eight hundred dollars; the purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars.

If attached to the station on lake Champlain, the master commandant shall be entitled to one thousand two hundred dollars; the surgeon to eight hundred dollars; the purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars; which compensations shall be paid quarterly.

Sec. 8. *And be it further enacted*, That an officer, appointed to superintend the recruiting service, in any port within the United States, shall not be entitled to any allowance for house rent, fuel, or candles.

Sec. 9. *And be it further enacted*, That when a surgeon's mate shall act in the line of his duty on board a brig, schooner, or other small vessel of war, having no other medical officer attached to said vessel, he shall be allowed at the rate of ten dollars per month, in addition to his present pay and rations, as authorized by law.

Sec. 10. *And be it further enacted*, That the president of the United States be, and he is hereby authorized to discharge all officers at present in the navy of the United States over and above the

respective numbers retained by this act; and all the commission officers, sailing masters and midshipmen, who shall be discharged under this act, shall be entitled to receive pay, over and above what may be due them, respectively, at the time of their discharge.

Sec. 11. *And be it further enacted*, That the pay and subsistence of a rear admiral shall be one hundred and twenty dollars per month, and eight rations per day; and of a commodore, one hundred and ten dollars per month, and eight rations per day.

Weights and Measures.

LEGISLATURE OF PENNSYLVANIA.

Report, to the house of representatives—on the subject of weights and measures, read in the senate of Pennsylvania, March 1, 1822. Mr. Ruguet, chairman.

The committee appointed on the 8th of January last, to ascertain what provisions, in relation to the subject of *weights and measures*, it is probable, will be adopted by congress during its present session; and to inquire whether any, and if any, what amendments to our existing laws it is expedient to introduce, in case no legislative enactments should be made by the legislature of the union—beg leave to report.

In relation to the first branch of duty assigned them, your committee addressed a letter to a respectable member of the committee of the house of representatives of the United States, to which had been referred the report on weights and measures, prepared by the secretary of state, soliciting information as to the probable intentions of that committee. From the answer received to their communication, your committee are inclined to the opinion, that the only step, which will be recommended to congress, during its present session, will be the adoption of a resolution; requiring the president of the United States, to procure from England, exact copies of the *pound weight*, and of the *yard, bushel and gallon measures* of the British standard, for the use of the general government, and of the several states. Such a proceeding is much to be desired, in order that uniformity may be established throughout the union; which there is reason to believe, from the want of a standard, by which the weights and measures in use, can be periodically tested, is very far from being the case.—The standards once obtained, a system of laws, calculated to enforce conformity, may then be expected; and, it is hoped, that the day is not far distant when the power, vested in congress, in relation to this important subject, will be exercised to the extent required by the interests of the nation.

In order that the legislature and the public may see how desirable it is for Pennsylvania, that some early step should be adopted by congress in relation to this important subject, your committee have made the following extract from a report, submitted by a committee of the senate, on third of March, 1808, which will exhibit the imperfect state of our standard:

"There are in the city of Philadelphia, two offices of regulation; one for measures of the dry kind, and the other for measures of the wet kind, and weights. The former office contains an ancient copper or brass *half bushel*, which is by some supposed to have been brought from England by William Penn, or Nathaniel Allen, and further supposed to be the same, which is mentioned in the law of 1700. At this time, however, there is no certainty, as there are no discoverable marks of British regulation, as

is by the said law required; the marks are B. N. E. in two places. It is coarsely made, the diameters and bottom unequal and irregular; is bruised and patched, and does not agree in its contents with the Winchester bushel, as will hereafter be shown.—This office also contains a cast brass *four quart* standard, and a cast brass *two quart* standard; both marked with the letters W. R. and a crown stamp, and evidently appear to be of those imported in pursuance of the directions of the said act of 1700. The latter office contains a cast brass *quart* standard, and a cast brass *pint* standard, both stamped, and evidently of the set imported as before mentioned.—Being thus stamped they are, by the aforesaid law, made legal, *although they do not agree with the Winchester standard.* There are also, in this office, a copper *half gallon*, and a copper *quart*, intended for the regulation of wine measures; and an iron *yard*, or three feet measure in extension, *without known accuracy*; neither of these three have any evidence of regulation, or legal stamp. This office likewise contains a number of brass weights in gradation, from the *fifty-six* pounds weight to the *half ounce*; which generally bear the appearance of having been imported in pursuance of the aforesaid law; having the stamps of the mural crown, the letter C, and the dagger—which are evidences of the city of London regulation. They do not bear the due and relative proportion each to the other, especially in the smaller weights; nor can it be expected, after such length of use. When last tried, the *pound* and *aggregate ounces*, varied nearly an *ounce*. As regards the standards for troy weight, by which the precious metals are assayed and determined, there are *none*; and so far as can be discovered, there never have been any. The larger and gross weights, are also irregular; and, as there is no determinate *unit of weight*, from which to proceed, there can be no accuracy.²¹

In regard to the second inquiry referred to them, your committee have examined the existing laws of the commonwealth, and have found that there are but two acts upon the subject—one passed at the early period of 1700, and adapted to a slender population and a limited trade; the other passed on the 29th March, 1813. Both these acts are deficient in their provisions, and, under their operation alone, it is impossible to enforce a conformity to the existing standards. In a late presentment of a grand jury of the city of Philadelphia, the irregularity of weights and measures is inveighed against, as the source of very extensive frauds; and it has been stated, that, in one case, a weight, called a *fifty-six*, was found, upon examination, to be deficient as much as *seven pounds*. In order to remedy the existing evil, and to lay the foundation for a system of uniformity and justice in the dealing between our citizens, your committee introduced the bill entitled, "An act to prescribe the duties of the regulator of weights and measures of the city and county of Philadelphia." This bill, with another, prescribing the duties of the sealer of dry measures in the same district, which was read in his place by a member of the senate, if enacted into laws, will, it is conceived by your committee, place our regulations upon a more just foundation than has heretofore existed; for, by their provisions, the makers, venders and proprietors of all beams, scales, weights and measures used in buying and selling, are required, under an adequate penalty, to have them annually adjusted and sealed by the proper officer. Should the provisions of our law not be competent to fulfil the requirements of the general government, after they shall have procured

the several standards alluded to, our code may be amended—and the principles which are now confined to the city and county of Philadelphia, may be extended to the several counties of the commonwealth.

With these remarks your committee beg leave to submit the following resolution:

Resolved, That the committee be discharged from any further consideration of the subject.

Seventeenth Congress—first session.

IN THE SENATE.

April 5. The senate again took up the resolutions submitted by Mr. Holmes, of Maine, on the 2d inst. and, having modified the same, they were adopted, in the following form:

Resolved, That the president of the United States be requested to communicate to the senate the expenses of building each vessel of war, built at each navy yard, or other place in the United States, authorized by the act of the 2d January, 1813, and the acts supplementary thereto; distinguishing, in each vessel so built, the expenses of timber, iron, copper, cordage, hemp, cloth, and other materials; the amount paid to agents or superintendents, specifying their names; the amount paid for labor, particularizing the sums paid to carpenters, mast makers, boat builders, block makers, blacksmiths, armors, caulkers, gun-carriage makers, sawyers, mill makers, and riggers, and other laborers.

Resolved, That the president of the United States be requested to communicate to the senate the names, number, and grade of the officers and the number of men belonging to the navy, employed in, and attached to, each navy yard and each naval station in the United States, with the services each has performed and the compensation each has received, in pay, rations, and other emoluments, during the two last years, ending on the first of January last; including the value of the benefit to any officer, for the use or improvement of any public property.

Resolved, That the information required by the above resolutions be furnished to the senate at the commencement of the next session of congress.

Some bills were partially considered and postponed to specified days—that to grant pre-emption rights to certain settlers in Louisiana was ordered to be engrossed for a third reading, as was also the bill about certain land titles in the state of Missouri, after some amendments and much incidental discussion. [The senate did not sit on Saturday the 6th.]

April 8. No important matters were transacted this day, nor was any thing decided upon.

April 9. The senate resumed the consideration of the bill to allow drawback on cordage, manufactured from foreign hemp, and, without further debate, the question was taken on ordering the bill to be engrossed and read a third time, and was decided in the *negative*—yeas 11, nays 17.

So the bill was rejected.

A number of private bills were ordered to be read a third time.

On motion of Mr. Walker, it was

Resolved, That the president of the United States be requested to lay before the senate, any report, or information, which may be in his possession, as to the most eligible site on the western waters for the erection of a national armory.

The senate adjourned.

April 20. The senate took up the report of the committee of claims, unfavorable to the petition of John J. C. Oldfield, of Baltimore. [The petitioner was the innocent purchaser of two drafts, issued by the treasurer of the United States, to the paymaster general, in favor of two widows for pensions, which drafts it was afterwards found, were issued on the authority of fraudulent certificates and papers, forged for the purpose, and that the pretended endorsement of these widows on the drafts were forged. Mr. Oldfield, the purchaser of these drafts, prays that the government will pay them.]

An attempt was made to reverse the report and there was considerable debate upon it—but the motion was negatived without a division.

Several bills were read a third time and passed—the senate agreed to the resolution of the house to fix the 8th of May as the time of adjournment.

HOUSE OF REPRESENTATIVES.

Friday, April 5. A good deal of minor business was attended to.

The speaker laid before the house a communication from the treasury department, transmitting copies of the statements of the several banks in the District of Columbia, exhibiting their condition at the commencement of the present year; which was ordered to be laid on the table.

The bill from the senate to alter the time of holding the district court in Alabama, was passed.

An engrossed bill to revive and continue in force certain acts concerning the allowance of pensions upon a relinquishment of bounty lands, was read a third time and passed.

The house resolved itself into a committee of the whole on the general appropriation bill. Mr. *Cocke* moved to strike out the provision "for the additional compensation to the clerks in the office of the superintendent of Indian trade, as allowed by the act of the 20th of April, 1818." The motion was supported by the mover and Mr. *Williams*, of S. C. and carried by a large majority.

An ineffectual attempt was made to strike out the salary allowed for a minister to Lisbon—for it 34. The amount reported for expenses of carrying into effect the 5th, 6th and 7th articles of the treaty of Ghent, was reduced from 25,000 to 12,500 dollars, and the clause to provide "for the salaries of the commissioners, secretary, clerk and messenger, together with the contingent expenses of the two commissioners under the treaty with Spain," being under consideration, was reduced from 30,000 to 15,000 dollars.

After which the committee rose, had leave to sit again, &c.

Saturday, April 6. Mr. *Cocke* laid on the table the following resolution:

Resolved, That the secretary of state be directed to furnish this house with a statement of the amount of money paid as salaries, outfits, and contingent expenses, to foreign ministers, since the year eighteen hundred, and the amount paid to each. Also, the courts at which they were employed, and the time they were respectively engaged in the discharge of their duties as ministers from the United States.

The house resolved itself into a committee of the whole on the unfinished business of yesterday, (the general appropriation bill), Mr. *Tomlinson* in the chair.

The clause to provide for repairing the Cumberland road being under consideration—

Mr. *Condict* moved to strike out the clause. He said the United States had already expended enormous sums in the construction of this road, and he could not consent to impose upon his constituents any further expense in repairing it.

This produced a long and ardent debate—we cannot do more than give a few of the principal points of some of the chief speakers. Mr. *Breckenridge* said that the people of the west had been pretty severely taxed to build fortifications and support navies, in which they had no special interest. The road was a magnificent plan of connecting the eastern with the western states—was it conformable to the interests of the country to break the chain, &c. Mr. *Farrelly* regretted that the gentleman had introduced local considerations—he himself objected to the manner in which the appropriation was brought forward, and thought it should have been done by way of a bill. The act of congress provided for the construction, not for the repair of the road; and he was, besides, opposed to the appropriation, because the former expenditures had been wasteful and corrupt—there was no guarantee that the money now asked for would be better applied, &c. Mr. *Smith*, of Md. explain-

ed the manner in which the provision was introduced—the committee thought themselves justified in asking for an appropriation [of 9,000 dollars] to preserve from dilapidation a work that had cost \$1,800,000, which he thought should not be thrown away, &c. Mr. *Mullary* opposed the motion to strike out the clause—the policy of the work had been frequently confirmed. The house had been called upon to pay 6,000 dollars for a national painting, and they had done it—and was not this great road, the great avenue to the west, as important? He spoke of the large appropriations for the capitol, &c. and thought that the pittance asked should not be refused. Mr. *Farrelly* denied the importance of the road as of so much utility to the west—he repeated his opinion, that the money would be squandered—what could it accomplish on a road 120 miles long? Mr. *Stewart* replied to the gentleman last up, and spoke of the matter at length. Not much was wanting to complete the road and repair it. The gentleman (Mr. F.) has stated that it is destructive to Pennsylvania; she has \$600,000 of stock in her own road, running from Philadelphia to Pittsburg, yet, he says, that if the road could not support itself, it ought to be given back to the state of Pennsylvania; this, by the gentleman's shewing, would be to give the lamb to the keeping of the wolf. Such a course could not be required nor justified. This was a national road. It was built for a national purpose, and in a spirit of national munificence. He went on to shew that, in certain counties in Pennsylvania, there had been manufactured, in a single year, 371,000 bbls. of flour and 29,000 bbls. of whiskey, which cost, before the road was constructed, \$5 per barrel to transport them to Baltimore, but was now carried for 2½. He spoke of the location of the different roads, and dwelt much on the advantages derived from this. He alluded to various great appropriations, and insisted on a fair claim to that now under consideration—repelled the charge of waste, and hoped that state prejudices would yield to high considerations of national policy, &c. Mr. *Baltimore* supported the opinion that the road should be kept in repair by those who were benefited by it. He said when a particular object was to be carried, it was not uncommon to excite a clamour, in order that the real question might be lost sight of. The cry of mad dog was raised, the better to elude inquiry. The gentlemen in favor of the appropriation had talked much of this as a national road and as a national object, and of the illiberal, local views of those who oppose it. But gentlemen should recollect that there is a wide difference between the victims and the favorites of the government. This road had gone far to desolate ninety miles of the mountainous parts of Pennsylvania.—Was it then to be expected that it could be viewed by that state with indifference? It was openly avowed that this was to be followed by other appropriations—if the road is so valuable, why cannot it support itself?—what is the condition of the road between Hagerstown and Buonsborough?—little better than a mud hole or swamp; "this is a part of the chain." He contended that the great reduction in the cost of transportation was attributable to other causes than this road. He thought that the committee of ways and means should only provide for the fulfilment of existing laws—it appears as if they had converted themselves into a committee on roads and canals. An appropriation bill should not give a preference of one over another; and if the committee on manufactures had introduced a bill to establish a road leading into Pittsburg, it was easy

to divine that something would be heard of it from the chairman of the committee of ways and means: but when a road is to be made or repaired from Cumberland to Wheeling, the national funds cannot be withheld. The effect of this road was, Mr. B. observed, to destroy the stock in the other roads in Pennsylvania; and how would gentlemen feel if the whole weight of the national treasury was brought to bear on their own section of the country? Mr. B. was sensible it was difficult to resist this measure—and for an obvious reason—it affects injuriously only one state in the union; but that state, if too feeble to arrest the measure, would at least be allowed to protest against the application of the public money for a private and local object, so deeply injurious to its own interests.

The motion to strike out was further supported by Mr. Woodcock, of N. Y. and opposed by Mr. Wright and Mr. Winfield, when the question was taken thereon, and carried, ayes 70, noes 42.

Mr. Condict, then moved to strike out the clause providing for the erection of a wooden bridge over the Monongahela river, where the Cumberland road crosses the same at Brownsville. The motion was supported by Mr. Milnor, and opposed by Mr. Stewart and Mr. F. Jones, when the question was taken thereon and carried—ayes 80, noes 32.

The bill having now been gone through with, some partial amendments were offered—but the committee rose and had leave to sit again.

Monday, April 8. Many reports from different committees were received, among them a bill to fix the compensation for the commissioner of public buildings.

Mr. Condict submitted the following resolutions:

Resolved, That the committee on military affairs be instructed to inquire, and to report to this house, what amount of compensation is paid by the United States, to an army officer of each grade, from the rank of major general, down to the lowest commissioned officer, including the staff appointments; distinguishing the monthly or annual pay from the moneys paid for rations, forage, quarters, fuel, transportation, or perquisites of any other description, and the several sums allowed for each item.

Resolved, That the committee on naval affairs be instructed to inquire and report what amount of compensation is paid to naval officers, including the marine corps, from the highest to the lowest grade, inclusive; distinguishing the monthly, or annual pay, from all other payments, or perquisites of any description, and the several sums allowed for each item.

Mr. Eustis opposed the resolutions, as being unnecessary; and he stated that the military committee had called on one of the departments, and found that it had been occupied twenty days in making out a reply to a call for information, by a member of this house, which, with the printing, would cost the nation from five to seven thousand dollars. He believed this information was within the reach of every member, without again calling on the department for it.

After a few further remarks by the mover, the resolution, on motion of Mr. Condict, was ordered to be laid on the table.

Mr. Taylor submitted the following resolution:

Resolved, That a committee be appointed, jointly with such committee as may be appointed by the senate, to inquire and report, what business now depending before the respective houses, ought to be acted upon during the present session. [Laid on the table.]

Mr. Patterson, of N. Y. laid on the table the following resolution:

Resolved, That the secretary of state, the secretary of the treasury, the secretary of war, the secretary of the navy, and the postmaster general, be required to report to this house, on the first day of the next session, the number of superintendents, assistants, deputies, comptrollers, auditors, clerks and messengers, retained in their respective departments, and whether any of them, and if any, how many of them, are unnecessary, inefficient, superannuated, or engaged to other pursuits, or professions, in no wise relating to the public service; and also, whether they cannot adopt a more efficient, as well as a more economical organization of their respective departments.

The house took into consideration the joint resolution from the senate, fixing the time for the adjournment of congress.

The date having been stricken out, after many motions on the subject, it was filled up with Wednesday, the 8th of May next—yeas 83, nays 76—read a third time by unanimous consent, passed, and sent to the senate.

The general appropriation bill was taken up in committee of the whole—after discussing some other matters—

Mr. Cocke submitted the following as a proviso to the bill:

Provided, however, That no money appropriated by this act shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable.

The question being taken on this proviso, it was carried without a division.

After disposing of certain additional propositions, the committee rose and reported the bill as amended.—

In the house, Mr. Tracy remarked, that when he had, in committee, suggested the expediency of changing the compensation of the messengers, his object was rather that the amount allowed them should be fixed by law, than that it should be lessened. He was more anxious to correct the abuse than to save the money. The principle of allowing extra compensation from the contingent fund was a bad one, and ought to be corrected. He was not prepared to say that the amount they had received was too large, and should be sorry, therefore, to have the house, without further knowledge, take from these poor men, by surprise, one half of their means of support. He should regret to have it supposed that our plan for reform had resulted in such a pitiful saving. There were many more important objects of retrenchment in the bill than this. We had passed over, without observation, officers who received public money by thousands, to fasten on these defenceless messengers. He was ashamed to be fishing for sprats and minnows while the sharks and grampuses ran free. He moved, therefore, to strike out the sum reported, and to insert one thousand and fifty dollars, as the compensation for principal messenger and his assistant.

Mr. Tracy's motion prevailed, and the compensation of other messengers was also changed, so that they should receive 7 or 800 dollars.

The house refused to concur with the committee of the whole on striking out the provision for a clerk to the surgeon general.

The question of concurrence with the committee of the whole, in refusing to make an appropriation to repair the Cumberland road being under consideration,

Mr. F. Jones opposed the concurrence in a speech of considerable length; but, before he had concluded, on motion of Mr. H. Nelson,

The house adjourned.

Tuesday, April 9. On motion of Mr. Baldwin, it was

Resolved, That the committee of ways and means be instructed to inquire into the expediency of making an appropriation for the payment of the salaries of public officers, from the 1st of January to the 1st of April next year, and of providing by law, that appropriations hereafter shall be made for one year from the 1st of April in each year.

Mr. Sawyer laid on the table the following joint resolution:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, That after the adjournment of the present session, the next meeting of congress shall be on the first Monday of November next.

Mr. Basset submitted the following resolutions:

Resolved, That in all future transactions of the government, either where services are to be rendered, or supplies furnished, no money shall be advanced by the government, or payment made, but in exact proportion to work done, or services rendered, or supplies furnished, before such payment.

Resolved, That when any officer, or other agent of the government, shall fail to settle his accounts within the periods prescribed therefor, it shall be the duty of the secretary, or the head of the department, in which it shall occur, to dismiss such officer immediately, and, in those cases, where the power to dismiss is not in the head of the department, it is hereby made his duty to report such case to the president, whose duty it shall be to dismiss such officer or agent from the service of the government.

Resolved, That the president may, for the payment of pensions, military pay, and supplies, order such advances to be made as the public service may imperiously require, and shall have like power to order such necessary advances as the public good may imperiously require, in the remote parts of the United States, or without the United States; but no such advance shall be made on contracts heretofore to be made with the government. All advances made under this authority, shall be accounted for within the period prescribed, and shall, on failure, be subject to the penalties prescribed in other cases.

Resolved, That all officers, agents, or contractors, of the government, shall, if within 200 miles of the seat of government, settle their accounts once in every quarter, if within 400 miles, in four months, if within 500, five months, if within the U. States, in six months; and all such officers or agents of the government, to whom it may be necessary to advance money without the U. States, shall be held to make settlement in three months after their return to the United States.

Resolved, That the president and heads of departments apply these principles in an equitable manner, to all persons now indebted to the United States.

M. B. explained briefly his views in offering the resolutions, and concluded by moving that the same be laid on the table; which was agreed to.

On motion of Mr. Condict, the house took into consideration the resolution that the hour of meeting should hereafter be 10 o'clock in the morning, when the same was agreed to—ayes 75, noes 62.

Mr. Kent laid on the table the following resolution:

Resolved, That the secretary of the treasury be directed to report to this house the amount of public lands in each state and territory, the amount of public lands heretofore sold in each state and territory, and to specify how much of the land sold in each state and territory have sold for the minimum price, and how much for a greater price, &c. and the aggregate results.

On motion of Mr. Tucker, of Va. the committee on the expenditures of the war department, had leave to sit during the hours of the business of the house.

A message was received from the president of the U. S. relating to the amount of public monies paid to the attorney general over and above his salary fixed by law, &c. [which shall be published when the documents that accompanied the message are before us.]

The house then agreed to resume the consideration of the bill making appropriations for the support of government for the year 1822—and the immediate question was, upon a concurrence with the committee of the whole in striking out the appropriation for the repair of the Cumberland road.

Mr. F. Jones concluded his speech of yesterday, and called for the yeas and nays on the question, which were thereupon ordered. Messrs. Plumer, of N. H. Wood, Buchanan, Reid, Rhea, Milnor, and Sergeant, expressed their opinions in favor of the concurrence; and Messrs. Ross, Wright, Hardin, Nelson, of Md. Chambers, Stewart, and Smith, of Md. against it, when the question was taken thereon, and decided in favor of the concurrence, as follows:

YEAS—Messrs. Alexander, Allen, of Mass. Archer, Baldwin, Ball, Barber, of Ohio, Bassett, Bateman, Blackledge, Blair, Dorland, Brown, Buchanan, Burrows, Burton, Cambridge, Cannon, Casady, Cocke, Cohen, Condit, Conkling, Conner, Crafts, Dennison, Dickinson, Durlin, Eddy, Edwards, of Conn. Edwards, of N. C. Eustis, Fairall, Findlay, Fuller, Garnett, Gehring, Gilmer, Gist, Graham, Gross, Hawks, Hemphill, Hobart, Hooks, Hubbard, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Long, McCarty, McDuffie, McNeill, Mesberry, Matlack, Matson, Mattocks, Mitchell, of Pa. Moore, of Pa. Morgan, Murray, Nelson, of Va.

Overstreet, Phillips, Pierson, Plumer, of N. H. Plumer, of Pa. Reed, of Mass. Reid, of Geo. Rh-a. Rochester, Rogers, Ruggles, Russ, Russell, Sanders, Sergeant, Arthur Smith, Alex. Smyth, Spencer, Sterling, of Conn. Stevenson, Stoddard, Swan, Taylor, Thompson, Todd, Tucker, of S. C. Tucker, of Va. Upham, Vance, Van Rensselaer, Van Wyck, Walworth, Whipple, White, Whitman, Williams of N. C. Wilson, Wood, Woodcock, Worman—105.

NAYS—Messrs. Allen, of Ten. Barstow, Baylies, Barry, Breckinridge, Butler, Campbell, of Ohio, Chambers, Cook, Cushman, Cutler, rt. Dane, Darlington, Dwight, Harlin, Hendricks, Herrick, Hall, Holcomb, Jackson, F. Johnson, J. F. Johnson, J. S. Johnston, Jones, of Ten. Kent, Little, Lowmies, Mallery, Mercer, Metcalfe, Mitchell, of S. C. Montgomery, Moore, of Va. Moore, of Ala. Neale, Nelson, of Md. N. W. Newton, Patterson, of Pa. Rankin, Reed, of M. Rich. Ross, Sawyer, Scott, Sloan, S. Smith, W. Smith, J. S. Smith, Stewart, Swearingen, Tammison, Trimble, Walker, Williams, of Va. Williamson, Woodson, Wright—53.

The amendment on the committee of the whole, in striking out the clause to provide for building a bridge over the Monongahela river, where the Cumberland road crosses the same, was also concurred in, without a division.

The question of concurrence with the committee of the whole, in allowing to William Lambert one thousand dollars, as a compensation to him for taking the longitude of the capitol, being under consideration—

Mr. Cocke moved to increase it to fifteen hundred dollars.

Mr. F. Jones named two thousand dollars, and Mr. Cocke withdrew his motion to enable his colleague, (Mr. Jones), to try the sense of the house upon this proposition.

The motion was supported by Mr. Cocke, Mr. Nelson, of Va. and Mr. Rhea, and opposed by Mr. Wood, and Mr. Hardin, when the question was taken, and the motion prevailed.

Mr. Sibley moved to amend the bill by inserting a provision to appropriate for additional surveys in the territory of Michigan, the sum of twelve thousand dollars.

Mr. Cocke contended, and the speaker decided, that the proposition was not in order; and no further motion to amend having been offered, the bill was ordered to be engrossed for a third reading; and then

The house adjourned.

Wednesday, April 20. Mr. Mitchell, of S. C. submitted the following resolution:

Whereas an act passed on the 21st April, 1803, entitled "An act concerning public contracts," has been so construed as to sanction the appointment of members of congress to divers public employments, agencies or trusts, by the authority of executive officers of the United States; and whereas on the purity of the senate and house of representatives, and their freedom from executive influence, depend the liberties of the people, and the durability, soundness and integrity of the federal constitution:

Resolved, therefore, That the judiciary committee be instructed to report a bill for the purpose of preventing any member of congress, while he continues as such, from executing or holding any employment, agency, or trust, in behalf of, or anywise concerning the government, either political, legal, or professional, to which the said member may be appointed by any executive officer of the United States.

At the request of Mr. M. this resolution was laid on the table.

The appropriation bill was read a third time and passed.

The bill making appropriations for the support of the navy for the year 1822, was taken up in committee of the whole—it was passed through, when

Mr. Cocke submitted a proviso, the purport of which was, that no person who was in arrears to the government, should receive payment under the appropriation of that bill, until those arrears were paid, or their accounts closed:—which was agreed to.

The bill making appropriations for the public buildings was next taken up, and the sum of 120,000 dollars granted, as recommended by the committee, with a proviso, on the motion of Mr. Cocke, as in the case of the appropriation for the navy.

The proceedings of the committee of the whole on those bills, were agreed to by the house, and they were ordered to be engrossed for a third reading.

The bill making appropriations for missions to the independent governments south of the United States, was taken up in committee of the whole, agreed to, and approved by the house, though opposed by Mr. Garnett.

Some local business of the District of Columbia next occupied attention; that being disposed of—

Mr. Baldwin gave notice that he should, on Friday next, call for the consideration of the resolutions he had heretofore submitted on the subject of manufactures. And then

The house adjourned.

THURSDAY'S PROCEEDINGS—APRIL 11.

In the senate—on the motion of Mr. Lowrie, the bill proposing a drawback on cordage, manufactured out of hemp imported, which had been rejected, was re-considered.

The rest of the business transacted this day will appear in its course—no important thing was before the senate.

In the house of representatives—some minor matters being disposed of, the bill for the relief of certain citizens of Baltimore, on account of vessels sunk in the harbor during the late war, was ordered to be engrossed for a third reading.

The house took up the report of the committee of claims, unfavorable to the petition of the sufferers on the Niagara frontier,—which, after an eloquent speech from Mr. Tracy, was reversed, ayes 56, noes 41, in a committee of the whole.

Nothing else of moment attended to.

CHRONICLE.

The university of Maryland conferred the degree of doctor of medicine on fifty-four graduates, at the late commencement.

Mail robbery. On the night of Wednesday, last week, on its passage between Philadelphia and New York, the portmanteau containing the great eastern mail, was cut open and some packages of letters taken out—but it seems probable that the rogue missed his object, as the letters lost are ascertained to have been single. It is supposed that this felony was committed while the mails or coach were changing.

Pirates. The eight pirates condemned to death at Savannah, were indefinitely respited by the president of the United States, about the 20th ult. before, we presume, he had heard of the acts of those whom he had pardoned at New Orleans. In the present state of the business carried on by the pirates, we are really afraid that mercy to the guilty must be regarded as cruelty to the innocent—yet, we have an almost invincible abhorrence of capital punishments.

Horrible affair. A certain person named H—, was discovered to have an improper intimacy with the wife of L—; but the affair was apparently made up, and L— received his wife again. On the night of the 1st inst. while she was asleep, L— strangled her, dragged her up stairs and suspended her by a rope round her neck to one of the joists; he then proceeded, with two loaded pistols, to the house of H—, and, by some means got into the room where the latter was in bed with his wife, at which they were alarmed. H— enquired, "who was there?" L— immediately

fired both pistols,—one grazed the forehead of H—, and the other shot entered the breast of his wife, and killed her instantly: L— then escaped. Both of the wives were advanced in pregnancy, and the intrigue of H— has cost four lives, though his own was not taken. These things happened at Lancaster, Pennsylvania.

Died, recently, in Lancaster county, Pa. Mrs. Beam, aged 94; in Farmington, Con. Mr. J. Hosford, aged 96;—he had six children, all of whom were present at his decease, the oldest 70, the youngest 50 years of age—he lived to see the fifth generation;—in Trumbull, Con. Mrs. Beardslee, aged 96.

Coal, in large quantities, is now received at Philadelphia, by the improved navigation of the Schuylkill.

Salt water, in great abundance, has been discovered in Illinois, and it is computed that fifty gallons of it will yield one bushel of salt. Preparations were making to erect extensive works, and at those already erected it is sold at 50 cents per bushel. A rock is penetrated, as at Kenhawa, &c. in this instance, to the depth of 104 feet, and the salt water stands at 40 feet deep in the well. The price of salt, before these works were established, was 125 cents per bushel.

The duties, paid or secured at Boston, during the year 1821, amounted to \$4,167,746 49. The amount of drawback that there will be upon them, is not, of course, ascertained.

Massachusetts. The election for governor, &c. took place last week in this state. Mr. Brooks is, no doubt, re-elected governor, and the "federal" ticket has succeeded as usual. The *Boston Centinel* and *Gazette* were, for several days previous to the election, filled with old-fashioned electioneering matter, which does not seem altogether suitable to the "era of good feelings." Boston having been made a city of, *H. G. Ois*, esq. is named as the "federal" candidate for the mayoralty.

Pennsylvania. The bill to authorize the governor of Pennsylvania to subscribe \$75,000 to the stock of the Chesapeake and Delaware canal company, has been negatived by the senatorial branch of the legislature of that state by a majority of two votes.

Union canal—in Pennsylvania. About 300 laborers are now employed on the summit level section of the canal, which is expected to be completed during the present season.

Intercourse with Europe. Some fifty years ago, (says the *New-York National Advocate*), a voyage across the Atlantic was the result of long and profound deliberation. It was considered for a twelve month; then two months to select a ship—two months to put affairs in order—two months to prepare sea cloths, provisions, sweetmeats and gingerbread—a long and lamentable farewell of all relations, down to the fifteenth cousin—a notice in the paper that A. B. is bound to Europe, and is ready to pay all debts—crowded wharves and numerous adieus at parting, and then a decent passage to London of eight weeks—*tempora mutantur*. Now, a gentleman hesitates a moment over his glass of wine and segar, whether he shall go to Liverpool or Ballstown springs, to spend the summer months, and finally makes up his mind, empties his bottle, and cries out, "waiter, take my trunk on board the Albion," and all is finished. This is the way we do business now a-days. Such is the march of the mind; the rapid progress of improvement.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 8—Vol. X.] BALTIMORE, APRIL 20, 1822. [No. 8—Vol. XXII. WHOLE No. 554

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

REVOLUTIONARY PAPERS, &c. It is with much pleasure, that the editor is now able to announce the publication of his long-projected collection of Revolutionary papers, speeches, &c. He has more than redeemed his promise, as to the *quantity* of matter—for the volume contains upwards of 500 pages, instead of between 4 and 500, as originally proposed, of super-royal 8vo.—and no small degree of industry has been exerted as to the *quality* of its contents—which, if not wholly of the character that some would desire, may generally prove satisfactory to all who can make a reasonable allowance for the dearth of materials, and the difficulty that needs must attend a *first attempt* of this sort.

This volume will be forwarded, with all possible despatch, to those who have subscribed for it,—and a few extra copies may be had at the original price of three dollars in sheets, or 3 dols. 75 cents bound.

The following is the title page of the work: Principles and acts of the revolution in America: or, an *attempt* to collect and preserve some of the speeches, orations and proceedings, with sketches and remarks on men and things, and other fugitive or neglected pieces, belonging to the revolutionary period in the United States, which, happily, terminated in the establishment of their liberties: with a view to represent the feelings that prevailed in the “times that tried men’s souls,” to excite a love of freedom, and lead the people to vigilance, as the condition on which it is granted. Dedicated to the young men of the United States. By H. Niles. “*Collecta reviviscunt.*”

The dedication is as follows: To the young men of the United States, this volume of revolutionary papers, speeches, &c. is, respectfully, dedicated; in the hope that they may be encouraged to adhere to the simplicity of truth, as set forth by the principles and acts of their fathers, and emulate the noblest deeds when the liberties of their country are endangered by foreign enemies or domestic encroachments; so that the blessings which these patriots won may descend to posterity, and our republic forever continue to be the pride of humanity, and an asylum for the oppressed of all nations: by their sincere friend, H. NILES.

Baltimore, April, 1822.

SOUTH AMERICA. On the 12th inst. Mr. B. Irvine, at Washington City, announced his intentions to publish “a compendious view of the independent states, lately Spanish provinces, in South America and Mexico;” and on the 14th, Mr. Duane, at Philadelphia, intimated that he had been for several years collecting and arranging the materials for a geographical work on South America. Without deciding on the respective merits of either of the proposed authors, we may venture to say that, perhaps, there are not two other men in the United States so capable of accomplishing the *work* that they aim at. They have both been collectors of materials—Mr. Irvine has visited Colombia, and Mr. Duane long been in correspondence (as well as Mr. I.) with many of the distinguished men resident in

the countries which they design to give an account of. For the good of the people of the United States, now deeply interested in the subjects to be treated of, we would hope that they may be induced to make a joint labor of the matter, and give us the result of it. Dr. Morse is also preparing a geographical account of South America—and, out of the efforts of all, we expect to obtain much information on things that, hitherto, we have only seen “as through a glass dimly.”

FLUCTUATION OF STOCKS. The N. Y. Daily Advertiser, of the 11th inst. says—“Yesterday United States bank stock commenced at 11 o’clock, at 9 1-4 per cent; and before 1, sales were made at 10 3-4 per cent. but before 2 o’clock, the same stocks were sold at 9 1-4 per cent. again, in consequence of the news by the *Columbia*” from Liverpool: to wit, we presume, the contemplated change of British 5 per cent. stocks into others to bear an interest of 4 per cent. and the expectation that the bank will hereafter discount at 4 instead of 5 per cent. What a pity it is, that even the price of our stocks is to be regulated by the jobbers of ‘Change Alley, in London—that we must ever be on the look-out for events in Europe—that we have so little in ourselves to rely upon. But this comes from the want of a *national* legislation. The very *subsistence* of our government is built upon the conduct and proceedings of *foreigners*—who mete out to us prosperity or distress, by their crimes or caprices—virtually regulate the value of houses and lands and labor in the United States, and render us not much better than if we had a colonial instead of an independent establishment. While we are thus conditioned, it is nearly impossible that we should ever attain a proud, peculiar national character. All that mainly interests us, from a public revenue for the support of the nation, down to a pair of shovel and tongs for our private chimney-corners, so much rests on foreign acts and actors, that a noble, generous home-feeling, cannot be fully entertained in the hearts of our citizens.

TAXATION. Salt is an article of necessity—and the poor man consumes as much of it as the rich one; nay, if he labors severely, he requires more. We have seen a particular statement which shews that a cargo, or quantity of salt, which cost \$1000 for the original investment, may be subject to the payment of 2000 dollars for duties, or the *tax on consumption*. We only tax this article to double the amount of its own proper value—whereas in England, the domestic consumer has to pay about twenty-five times the sum which the manufacturer receives for it—so we are not so heavily taxed as we might be!

WILD SHEEP. The N. Y. Statesman mentions the receipt of a specimen of wool, the produce of wild sheep, that were found on or about the Rocky Mountains, at the sources of the Missouri and Columbia rivers. Numerous flocks of them are said to inhabit those regions, and it is thought that they may be easily domesticated. The wool, in fineness, softness and delicacy, resembles that of the Cashmere goat.

PIRACY. Some very aggravating cases of piracy, in certain instances attended with murder, yet occur on the coast of Cuba. One vessel has been robbed of property to the amount of 56,000 dollars—another of a cargo still more valuable.

The Havana *Noticioso* has some remarks on Mr. McLane's speech on introducing the report of the naval committee. The editor states that the local authorities of the island have done every thing in their power to put an end to piracy; but thinks it strange that complaints should be made by a member of the American congress, seeing that so many piratical cruisers were fitted out in the ports of the United States, and that all the representations of the Spanish agents could only obtain some "trifling custom house regulations, which had little or no influence in checking the evil," &c.

TREATY OF GHENT. A report is circulated at Washington, and the fact most probably is so, that the question between the United States and Great Britain, which was referred to the arbitration of the emperor of Russia, respecting slaves deported during the late war, has been decided by him in favor of this government.

The commissioners to establish the boundary line, under the 5th article of the said treaty, lately held their final meeting in New-York.—They disagreed in opinion, and have made reports accordingly to their respective governments.

IRON. It is stated that the British minister at Washington has protested against the duty imposed or rolled iron being higher than that of hammered, as being a violation of the convention made with Great Britain. The same point was once before presented by Mr. Pagot.

PHILADELPHIA. On Sunday morning last, long before the hour of service had arrived, the streets and avenues leading to St. Mary's church were blocked up by a "solid moving mass of population." When the service was about to commence and the rev. Mr. Hogan had presented himself to perform it, some of what is called the "bishop's party" advanced as if to resist him—a great sensation and some tumult followed; a constable was called in and these persons retired—after which Mr. H. proceeded as usual, and every thing was quiet during the day. This rev. gentleman has just obtained a great triumph by a decision in the mayor's court, in which an apparently very worthless woman preferred certain rude charges against him—of all which he was most decisively acquitted, after the trial had occupied the court many days.

A MOST SPLENDID WORK is just about to be published, entitled "Description de l'Egypte," from facts, &c. collected during the expedition of the French army. It will contain 900 of the largest folio engravings, on which it is said that the French government has expended many millions of francs. The engraving of one portrait cost \$1200.

THE MARIANNA FLORA. On the 10th inst. in the United States district court, sitting at Boston, a definitive decree was rendered in the case of the Portuguese ship *Marianna Flora*, sent into Boston some time since by the U. S. schooner *Alligator*, lieut. Stockton. The sum of \$19,150 75, and costs, were awarded to the owners, and the further sum of \$500 to the crew of the Portuguese ship, as a compensation for their imprisonment. From this de-

eree the captors have claimed an appeal to the circuit court.

COMMERCIAL. It was decided by the court of king's bench, in February term, in the case of *Cox vs. Troy*, that a person has a right to cancel any acceptance he may have given to a bill any time previous to that bill being called for by the holder of it. It was ruled by lord Edenborough for many years, that, if a bill was once accepted, the acceptor, no matter what new light had broken in upon him as to the drawer, between the interval of the bill being left for acceptance and its being called for, had no right to cancel his acceptance. This legal reading is now found to be erroneous.

LAW CASES. A ferry steam boat at New York; lately run a-foul of a fishing boat lying at anchor, whereby the latter was injured and one of the persons on board of her had his collar bone broken, &c. It seems to have been admitted that each party endeavored to avoid a coming into contact, but the fishing boat was not discovered in time from the steam boat to prevent the accident. An action at law was brought for damages sustained, and awarded against the proprietors of the steam boat to the amount of 250 dollars, the whole sum claimed—because it was the business of a vessel under way to avoid another lying at anchor.

Another case was also decided in the same city of some importance to shippers and the owners of vessels. A box was put on board a vessel bound to Baltimore, which had on it only the name and residence of the person to whom it belonged. After some days, a great smoke was discovered in the hold of the vessel—with great personal hazard and difficulty, the cause was found out—the box contained *aqua fortis*; and the damage done to the cargo by its leakage was estimated at \$100; which amount was recovered of the shipper, though the shipment had not been made on his own account.

THE SLAVE TRADE. *A. Lacoste*, of Charleston, S. C. who was convicted at Boston, in 1820, of being engaged in the slave trade, and condemned to five years imprisonment and the payment of a fine of \$3,000, has been pardoned by the president of the United States, who has also remitted the pecuniary penalty. In justification of this proceeding, it is stated that Lacoste, at the time of his conviction, was only nineteen years of age—that his conduct, in other respects, had been exemplary, contributing largely to the support of his aged mother and sisters—that the punishment he had undergone had impaired his health, and that he often expressed his contrition for having been engaged in the detestable traffic: On the other side, it is urged that, since the conviction of Lacoste, the trade has been made piracy by an act of congress, sanctioned by the president, and that the release of the prisoner from the milder operation of the former law, affords reason to believe that Mr. Monroe will not feel disposed to execute the latter one, and punish with death those who may be found guilty of having violated it. It would be unfortunate, indeed, if this impression should go abroad, for it may encourage fresh adventurers in the *murderous traffic*; a traffic not only execrable from the amount of human life destroyed in carrying it on, but for the reason that it increases the amount of human misery, which will be avenged as surely as it is appointed for all men once to die. If there is any offence that is deserving of death, it is that of being engaged in the slave trade, in which the *calcu-*

tion is made how many of the poor wretches will die on the voyage, just as a cargo of apples or other perishable articles are estimated; but *this*, bad as it is, is only the beginning of its evils. God is just.

"THE BLUE BOOK." What is called the "Court Calendar" in England, from being done up in red leather, is generally denominated the "Red Book." It is provided by law, that, every two years, a similar work shall be published in the United States, to contain a list of all the public officers, their agents and clerks, and the amount of their pay and emoluments respectively; which, from being bound in blue leather, is called the "Blue Book"—and blue enough it is, on many accounts. But it is defective in many parts that were completely under the control of the heads of the different departments. The amount of receipts by some persons is not given at all, and in others is put down in a way that completely defeats the great purposes designed by the law, and baffles a wholesome examination of the facts by the people. We do not wish to be particular, but there are some things in this book that have the appearance of an intent to screen certain individuals—for it is impossible to believe that a subordinate officer cannot be compelled to give in all the items required by an act of congress. There is nothing so disgusting as that which pretends to be what it is not—and the most hateful of all things, is a falsehood set forth in the words of truth. We shall speedily notice this book more at large.

DEBATES OF CONGRESS. Mr. Elliott, editor of the "Washington City Gazette," proposes, at the next session of congress, to employ five competent reporters, two for the senate and three for the house of representatives, by the aid of whom he expects to be able to publish every evening the debate that *actually* took place during the day—to give a view of things as they happened, and will positively reject the insertion of speeches not really delivered; and he intends weekly to publish a sheet in hand—some 4to, embracing the most important public documents, at 5¢ for each session. The "Gazette," will remain at its present price of 10¢ for the daily paper, and 5¢ for that which is published three times a week; but Mr. Elliott seeks for additional patronage (and we earnestly hope that he may obtain it), to accomplish this great undertaking. It is exceedingly wanted, and, if faithfully executed, will much curtail idle debate*—but it will require no small degree of firmness, in a person at *Washington*, to represent things as they really occur in the capitol; for we would hope that all which does happen may be put down, even to a significant shaking of the head or pointing of the finger—such as we ourselves have witnessed. Such a press would be as a political barometer; and instruct the people in matters of the highest interest. In making these remarks we do not wish to take any thing from the merits of the editors of the "National Intelligencer," and they are great—but we have long seen the necessity of a *closer* detail of the doings of congress, in the belief that many speeches that have been made would never have been heard, if the fact had existed that they would be published just as they were delivered.

*The speech of an "honorable member from Maryland," as reported for the *Boston Daily Advertiser*, which is just now running through the papers, may be offered as presumptive proof of this assertion.

Mr. Elliott annexes to his prospectus Mr. Duane's account of the manner of taking debates in the British parliament, by which a discussion, no matter how long, is oftentimes published in a couple of hours after it is finished. After explaining the method, Mr. D. has the following paragraphs:

"We know of a case in which a reporter was called upon to *suppress part of a speech* actually delivered; the reporter refused; and because he would not suppress the truth, he was excluded from the house—[of congress.]

"We know of a case in which a member of congress sought to impose upon a reporter a speech never spoken by him, but which contained the actual speeches of three other members: the reporter refused; and this speech was published with the name of the impostor, and quoted as his speech in the British parliament."

To which we may add another case—We know a person, then a member of the congress of the United States, who made a "great speech," an important part of which was—word, letter and figure, in most instances, taken from a political pamphlet, (written by the editor of the "Weekly Register," 13 or 14 years ago), and given to the "honorable house" as the result of his own calculations and reasonings on them.

FLAX—its cultivation and manufacture.—Mr. W. Russell of Otsego, N. Y. sowed, the beginning of last May, eight quarts of flax seed, from Long Island, on one quarter of an acre of land. The produce was two hundred and forty-two pounds of well dressed flax, and five bushels and three pecks of seed. The flax sold for 10 cents per pound, and the seed (to his neighbors) for \$2 per bushel, amounting to \$35 70.

We have recently mentioned Mr. Dey's grand invention for cleaning flax and hemp, by which every necessary operation on these materials, from their state after being pulled to a condition when ready for spinning, may be performed for *two cents per lb.* And the late English papers notice the perfection of machinery by which flax may be spun "*with the same facility as cotton, and it only remains for the article to be grown of a fibre fine enough for that purpose, to produce thread suitable for bobbin net, cambricks, lawns, &c.*" This machinery, it appears, has been approved by the "Society of Arts and the Board of Trade." The British paper says—"The necessity, of confining the benefit of the invention exclusively to our own country, must be too obvious to need a single observation, and although the inventor has, within the last few months, received proposals from foreigners, of a nature almost too tempting to be resisted, yet to his honor be it spoken, he has refused to disclose his scheme, and to accept the advantages offered, solely on the ground of the injury it would do to his own country. Most sincerely then, do we hope, that the proposed publication may be averted, and that parliament may, in its wisdom, see the propriety of voting to the inventor a sum adequate to compensate him for his labor, so that the models and machinery may be delivered into the hands of government, to prevent the incalculable injury it would do to the nation, by its being carried abroad. The question is one of vital importance to our manufacturing interests, and will, we trust, be taken up on national grounds." [The object of the writer appears to be to prevent such machinery for spinning flax from being used at all.]

BRITISH EMIGRATION TO NORTH AMERICA. The "Democratic Press" says—From official returns or-

dered to be printed by the house of commons, we learn that the whole number of passengers which embarked from Ireland for the United States, from the year 1812 to 1821, both years inclusive, was 30,653.

From the same authority we learn that in the same period, the number of passengers which embarked from England for the United States was *thirty-three thousand six hundred and eight*.

The same authority informs us that during the same period of time, the number of passengers which embarked from Scotland to the United States was *four thousand seven hundred and twenty-seven*. Thus the whole number of passengers which embarked in the united kingdom in the period mentioned, was *sixty eight thousand nine hundred and eighty eight*.

From the same official papers we learn that in the same period, there embarked for the British dominions in North America from Ireland 47,223; from England 23,783, and from Scotland 19,971, making a total of 90,972 persons that embarked from the united kingdom for the British dominions in America. Thus the whole number of emigrants from the united kingdom for North America, from the year 1812 to the year 1821, both years included, was *one hundred and fifty nine thousand nine hundred and sixty*."

It may be added, that a major part of those who embarked for the "British dominions in North America," proceeded almost direct to the United States. By referring to the emigration tables that have been given in this work, it will appear that in every week there were many arrivals in our ports from St. Andrews, &c. with passengers just from Europe.

MONEY, &c. SUBSISTENCE. In page 86, of the present volume, when speaking of the value of human life, &c. we took occasion to notice the difference of the cost of living in France and England. Since then we have met with the following summary article on the subject—

"An intelligent writer in the *London Traveller*, gives a minute statement of the expenses of living in Paris and in London. In precisely the same style, the expenses in the first city are, for a gentleman, lady and female servant, 2*l.* 10*s.* 3*d.* sterling per week; in the latter, 5*l.* 7*s.* 6*d.*; amusements, opera, theatre, &c. six nights in the week, in Paris, 9*s.* 6*d.*; in London, 1*l.* 5*s.* 6*d.* Exclusive of dress, three persons may live in comfort and luxury in Paris for 130*l.* per annum; in London, the same living will cost 280*l.* If economy be studied, in a cheap part of France, a family may live as well on 80*l.* per annum, as in the cheapest part of England for 120*l.* These facts account for the great number of English residents in France."

MONEY. The state of Maryland lately issued proposals for a loan, to bear an interest of *five per cent.* For that part which was not redeemable for 30 years, a premium of ten per cent. was offered.—That which was redeemable at pleasure, brought only *par*. Thus we see, that, though money is "scarcer" than ever it was, as to the people in general, it is yet plenty for investments in loans: the reason is, that our capitalists do not know how they can safely circulate it. Several of those who are called "monied men" have recently expressed an opinion that, from the great and continued exports of specie, money would become yet more difficult to be obtained, for ordinary transactions, than the

present generation has known it to be—this is prophesying evil; the present times are bad enough

KENTUCKY From the "Union," printed at Washington, Kentucky, of March 27—"Our circulating medium, from present appearances, must soon entirely cease to circulate. It is at a range of 165, perhaps to 200 dollars for 100 dollars in specie, and rapidly depreciating. The legislature had it in their power to prevent this, and must have known it. During the last session, while it was understood and believed that no more paper would be issued by the Commonwealth's bank, and that the quantity in circulation would be regularly diminished, by calls on the borrowers, exchange fell very considerably; and that too at a time when the proceeds of the droves of cattle, hogs and horses, the great resource of specie, had not arrived in the country. Why our representatives should have thought it necessary to disappoint the expectations which they had raised, and destroy prospects which were certainly not too flattering, remains to be accounted for. The relief which the Commonwealth's bank was calculated to afford, had already been afforded. Those who were in debt, and had property to pay their debts, had had time given them for converting their property into money, and for making arrangements, at least, to pay their debts. As much paper had already been issued by the Commonwealth's bank as was sufficient for the whole circulation of the country. It had depreciated to 140 or 150 for 100. This was surely a depreciation sufficient to prevent its going out of the state. What, then, could have made it necessary to issue more, and by that means to jeopardize, or certainly prevent, its circulation? The legislature had seen, that the mere expectation and belief, that the quantity in circulation would be slowly and certainly diminished, had enhanced the value of the paper. For the mere purposes of relief, in any honest or honorable sense of the word, it was necessary that the paper should increase in credit, not diminish; and that its circulation should be insured. Did not, then, the majority of the legislature, by pursuing measures, which it was known must have a contrary tendency, act as the enemies of the Commonwealth's bank? The stock raisers, and many of the hemp and tobacco growers, we are told, refuse taking this paper for their produce. The commission merchants are now said to refuse it. Will it not then be the duty of the legislature, at the May session, to use all the means now left in their power, to restore the credit of this paper? If they do not now bestir themselves; if they do not, by some means, not only prevent its depreciation, but restore it to something like a respectable standing, *they will have fairly legislated us out of a circulating medium; and the country will suffer much more from legislative relief than from all its other difficulties together.*"

DR FRANKLIN concluded a letter to his friend O. Whaley, esq. (written May 13, 1787), in the following words—

"You are now 78, and I am 82. You tread fast upon my heels; but though you have more strength and spirit, you cannot come up with me till I stop, which must be soon; for I have grown so old as to have buried most of the friends of my youth; and I now often hear persons whom I knew when children, called old Mr. Such-a-one, to distinguish them from their sons, now men grown and in business; so that living twelve years beyond David's pe-

riod, I seem to have intruded myself into the company of posterity; when I ought to be a-bed and asleep. Yet, had I gone at 70, I would have cut off twelve of the most active years of my life, employed too in matters of the greatest importance; but whether I have been doing good or mischief, it is for time to discover. I only know that I intended well and I hope all will end well."

The East India company commenced business with a capital of £72,000 sterling, which in 200 years has increased to £21,000,000; they own 380,000 square miles; have 80,000,000 of inhabitants; 150,000 soldiers; and 17,000,000 annual income. This is a prodigious power for an incorporated company to possess.—No wonder that England opposes Russia in attempts to subjugate Turkey and find a short cut to India.

This company, in consequence of bills drawn on them, lately paid into the bank of England one million seven hundred thousand pounds in a week!

FOREIGN NEWS. London papers of the 28th Feb. have been received at New York, by an arrival from Liverpool. The following is a brief abstract, &c. of all that it seems necessary for us to place before our readers, to keep them familiar with the chain of events abroad.

It is hinted that the king of England is negotiating for a princess of Denmark.

The British under secretary of state, has publicly denied that instructions had been sent to the West India islands that the ports should be open to the direct trade of the United States, on the principles of reciprocity proposed by the American government.

The report is renewed, that the bank will discount at four, instead of five per cent.

The depressed state of the agricultural interest deeply engages the attention of parliament. Beef and mutton were selling at three half-pence per lb. other things in proportion. These prices will not allow the payment of tithes and taxes; nor can they be collected, because there are few that are able and willing to buy the property of farmers sold out. This class of people were hardly ever before in a condition so distressing.

A motion to reduce the number of seamen and marines, from 21,000 to 19,000 was negative.

Ireland is in a more and more horrible state—arson, rape and murder, and every other foul crime that can be imagined, is attributed to the wretched peasantry. The special commission at Cork lately closed its session, and, on the last day, *sentence of death was passed on thirty-five of the White Boys!*—Some of these were ordered almost to instant execution, others were allowed a little time, and three were recommended to mercy. Many were sentenced to transportation.

The following is one of the numerous notices which have been placarded in the county of Limerick:

"We war not against our king nor his government. Had he occasion for our services, he should find us true to the last drop of our blood. We war not against our fellow man for his religion—that is between himself and his creator. But we wage eternal war against absentees, rack-rents, and tythe proctors, for they have left our children houseless, without a home, in cold and in hunger, and despair."

The following notice was posted outside Adare chapel, and taken down by one of the 3d light dragoons:—

"Gen. Rock, com, in chief of the army of Ire-

land, being desirous of organizing, with as little delay as possible, an administrative power for the province of the county of Cork, directs as follows: 1st, That every individual, from the age of 15 to 40 inclusive, is required, in the name of the Irish republic, instantly to repair to the rebel camp, in order to march in mass against the common enemy, the tyrant of Ireland—the English, whose destruction alone can insure the independence and the welfare of the ancient Hibernia.

(signed) "The general commanding-in-chief of the army of Ireland, John Rock, K. C. B.

"All to march to Croom or Mallow with speed, the fate of the Palantines will be the fate of all who shall stay at home these bad times."

Change of stocks.—A London paper of the 22nd of Feb. contains the following projects and proceedings for a change of the 5 per cent. stocks into stocks bearing an interest of 4 per cent.

Yesterday being fixed by the earl of Liverpool and Mr Vansittart to see the bankers and other holders of five per cent. stock, so early as 11 o'clock a great number of gentlemen assembled in the rooms and passages of the treasury, leading to the board room—and when the earl of Liverpool and Mr. Vansittart, with the secretaries of the treasury and the governor and deputy governor of the bank, entered the room, it was filled almost immediately.

About half past 12, the earl of Liverpool addressed himself to the meeting in the following manner:

"Gentlemen—The chancellor of the exchequer and myself have been desirous of seeing you, for the purpose of communicating to you the terms on which it is intended to pay off the five per cents; and the measures to be pursued with respect to such person as may choose to dissent from those terms. Gentlemen, we are desirous of seeing you, not for the purpose of entering into any discussion of the terms, but merely to inform you what they are. I will now proceed to read them—they will then be delivered to the governor and deputy-governor of the bank, who will take the necessary steps to have them made as public in the city as possible."

His lordship then read the following paper:

"A new stock to be created, bearing an interest at the rate of four per cent. per annum, the interest to be payable on the 5th of January and the 5th of July, in each year, and not to be paid off until the 5th of January, 1829.

"All holders of five per cents who shall not signify their dissent, to have for every 100l five per cent. Annuities, 105l in the new four per cent. stock.

"The first dividend of the new four per cent. stock to be payable on the 5th January, 1823.

"Books to be opened at the bank from Monday, the 4th of March, to Saturday, the 16th of March, 1822, both days inclusive, for receiving signatures of persons dissenting.

"Persons not signifying their dissent within this period, to be deemed to have assented, unless they shall have been out of the united kingdom for the whole of such period; in which case they shall be permitted to express such dissent at any time before the first day of June, 1823; and any persons who may be in any other part of the world, except Europe, to be permitted to express their dissent at any time before the 1st day of March 1823.

"Persons dissenting to be paid off in the numerical order in which their names may be subscribed. Such payments commence on the 5th July, 1822, and to be continued at such periods, and in such manner, as parliament may direct.

"All holders of five per cent. stock will receive the dividends due on the 5th July, 1822."

His lordship read the paper a second time, and then delivered it to the governor of the bank.

A gentleman, whose name we could not learn, said "my lord, I am aware that it is not intended to enter into any discussion of the terms; but may I be permitted ask what mode is to be adopted with respect to trustees?"

The earl of Liverpool.—"It is intended to adopt the principle that was followed in the year 1749, by which trustees were indemnified."

To some question from another gentleman, the Earl of Liverpool replied, that of course the dividends on the five per cents. would be paid in July to those who dissented from the plan, as well as to those who assented.

The amount of stock, now existing in the navy five per cent. annuities, created under the several acts of parliament from the 24th Geo. III. to 1st Geo. IV. is 141,830,057*l.* 9*s.* 7*d.*

When the plan, communicated to the public by lord Liverpool and the chancellor of the exchequer, shall be in full operation, there will accrue an annual saving of interest to the nation of 1,134,640*l.*

This is independent of the Irish five per cents. which amounts to about 13,000,000*l.*

If the same plan should be adopted in regard to them, there will arise a further saving, exceeding 100,000*l.* making together, a reduction in the charge of interest upon the national debt of 1,234,000*l.*

It does not appear that these proceedings had any material effect on the stock market. In which, however, there has been a great rise of foreign stocks—Prussian bonds were at 89½; Neapolitan at 69½; Danish at 84½; Russian metallic 78; Austrian do. 76; Colombian has been at *par* for a few days, but apparently settled down at 96. British consuls were at 78 7-8.

In France, the *rentes* are improving rapidly—bets have been made that they would be at *par* in six months.

The minister says that he considers all fears of an internal commotion in France as having subsided, but there certainly is a great degree of restlessness in this country, and in some places the military are very vigilant, especially at Rennes. Seditious publications are plentifully distributed about Grenoble.

It is doubted whether the chamber of peers will concur with the act of the deputies, in the laws for restraining the liberty of the press.

Netherlands. The destruction of the national manufactures, by the unlimited introduction of foreign goods, has led to the intention of establishing a new tariff.

Spain. The Spanish cortes have recently decreed that all Spanish vessels, employed in the slave trade, are to be forfeited, and the owners, *fitters out*, masters, and officers condemned to ten years' labor on the public works. All foreigners entering Spanish ports with slaves on board, shall be liable to the same penalties; and all slaves found on board shall be set free.

There is some notice of conspiracies, plots, &c. but the quiet of the country seems to be rapidly increasing. Riego is said to have arrived at Madrid in the night, and under a borrowed name—probably, to avoid popular proceedings.

On the 9th of Feb. the commission of colonies ratified its former opinion, adding only that the commissioners of the government should be authorized to reject any propositions that should be made to them, contrary to the liberty and property of the Spanish or European Americans who should

remain attached to the mother country, and should desire to quit the ultra-marine provinces. On this subject the opinions of count Torreno, of *Moscova* and *Ergipo*, were read to the following effect.

1. That a declaration should be made, annulling the treaty of Cordova, entered into between general O'Donnoju and the political chief of the rebels of New Spain, Iturbide.

2. That the government should despatch a circular to foreign powers, to explain that Spain had not renounced her rights over the provinces of America.

3. That the government should make arrangements to protect the provinces which should remain faithful to the mother country, and endeavor to make head against the insurgents.

4. That a declaration should be made that no deputies can be received from those provinces which have proclaimed their independence.

The discussion was fixed for the following Tuesday.

Two Sicilies. Four priests have been shot at Palermo, convicted of conspiring against the government.

Germany. The following paragraph appears in the *Gazette de France*.—At a masked ball, which took place at Cassel on the 31st of January, the prince royal being pursued by several masks, and apprehensive of being recognized, changed masks with his valet de chambre. The latter was accosted by the persons who had followed the prince, and had the imprudence to accept from them a glass of grog. He was immediately taken ill, and expired the next day. The letter of the 9th of February, which announces this event, states, that up to that day no traces had been discovered of the parties implicated in this crime.

Asia. The cholera morbus is making dreadful ravages in Persia and several other parts of Asia.

The merchants of Manilla lost 700,000 dollars last year, which was seized in Mexico by Iturbide, and many families have been ruined by it. The trade between the Philippine islands and Mexico was of immense value to the former—it is lost; and the Manilla newspaper says, "The Spaniards must now devote themselves to agriculture; and the fertile part of their till now abandoned and neglected colony, must give them what they before absurdly sought in the mines of Mexico."

Turkey, &c. All remains dark and mysterious as to the designs of Russia. The ministers held frequent councils at Petersburg, at which baron Strogonoff, late envoy at Constantinople, was present—but their proceedings were profoundly secret. Letters from Vienna, however, say that great events may be expected in March—and that war between Russia and Turkey was inevitable. But we have had such reports so often that no reliance can be placed upon them. There was, also, a report in London, that Alexander had appointed a new ambassador to the Porte.

The Greeks at Constantinople, are now protected by the Porte—and a Turk has been actually put to death, (it is said), for killing one of them.

The English brokers have negotiated the ransom of the women of Chourschid Pacha, who were in the hands of the Greeks: 500,000 francs have been paid for their release, and the intermediate agents have had besides, for their share, 250,000 francs more, which will be divided amongst great personages.

The people of the Ionian Islands, suspected of being friendly to the Greeks, are very closely watched by their British "protectors" and many

of them have been capitally punished for political offences. Additional fortifications were to be erected. The Pacha of Egypt is said to have offered the assistance of a squadron to act against the Greeks. Constantinople was quiet, at the date of the last accounts.

The Thessalians are in arms, and, in great numbers, have joined the famous leader Ulysses. The Turks were driven into the fortified places. The important fortress of Larissa was about to be invested—the garrison of which, to secure themselves from treachery, had massacred some of the Albanian troops who were shut up with them.

It now appears that the war with Persia has not terminated. The patriot flag floats on the ramparts of Athens! The Turks have been severely defeated in Candia—the capital was invested by the Greeks. The patriots appear to be generally successful.

Algiers, &c. The Algerines have captured a Greek vessel, and her arrival in that port was received with great joy. Some adventurers have left this city to make their fortunes by murdering and robbing the Greeks in Asia Minor. A famine was apprehended; there had not been any fall of rain for ten weeks, and the earth could not be ploughed.

Haiti. We have hitherto mentioned that a French squadron had left Martinica for Samana, in the late Spanish part of this island. The three frigates arrived at St. Domingo, and, pretending ignorance of the change of government, a boat came ashore with an officer to solicit supplies—the request was granted. They then proceeded to Samana and landed some troops, though expostulated with by the commander of the post, who had only 25 men with him: on which the blacks commenced an attack, but were compelled to retreat, leaving the French, 500 strong, in possession. The latter then advanced to the plantations and drove off 300 negroes and embarked them—among these are said to be several respectable colored families. By this time, the Haytian general Cayra arrived with 1000 men, but it was too late. He however, fired on the frigates, who returned his shots by a general discharge of their artillery, by which the general was wounded and some of his soldiers killed; as it was also believed that some of the Frenchmen were. As soon as these events were known, a general embargo was laid throughout the island, as is believed, with a view to arrest all the Frenchmen who can be found, that they may be held as hostages for the safe return of the blacks. Such is the amount of a letter from Aux Cayes—if true, we apprehend that this senseless and cruel expedition will be severely avenged.

Since the preceding was in type, we have a copy of a letter of the commander of the French frigate Juno, and of the governor general of Martinique, each addressed to the governor of Cuba; they both agree in stating that the object of the landing at Samana was for the purpose of affording succor to the Spanish inhabitants of that part of the island, who had petitioned for relief. The commander of the frigate says, that the squadron received 160 persons on board—but implies that they sought protection.

South American states. Buenos Ayres appears to be quiet, and the condition of the country is rapidly improving. The Portuguese troops at Monte Video lately undertook to pay themselves—in consequence, a contribution was levied on the people, which fell heavily on the foreign merchants. *Quito* has been formally attached to the republic of Co-

lombia. A French squadron, consisting of a 74, frigate, brig and schooner, lately arrived in the Rio de la Plata.

Commercial Statistics.

The committee on commerce, of the house of representatives, as has been already mentioned in this work, have made a very elaborate report unfavorable to the petitions of certain persons, praying for a repeal of the navigation acts of the 18th April, 1818, and 15th of May, 1820. Having published the report of the committee of the senate on this subject, perhaps an insertion of that now before us may be dispensed with—besides it makes a pamphlet of seventy pages. But to it are attached a quantity of very interesting tables in relation to our commerce and navigation, of some of which the following are abstracts:

Tonnage of the United States.

Years.	Total.	Years.	Total.
1789	201,562	1805	1,140,368
1790	478,377	1806	1,208,735
1791	592,146	1807	1,268,548
1792	564,437	1808	1,232,595
1793	491,780	1809	1,350,281
1794	628,816	1810	1,424,783
1795	747,963	1811	1,252,512
1796	831,990	1812	1,269,997
1797	876,912	1813	1,166,628
1798	893,328	1814	1,159,203
1799	945,408	1815	1,368,127
1800	972,492	1816	1,372,217
1801	1,033,218	1817	1,399,910
1802	892,101	1818	1,225,183
1803	949,147	1819	1,260,750
1804	1,042,403	1820	1,280,165

Whole amount of tonnage that paid duties in the years ending on the 31st Dec. 1816, 1817, 1818, 1819 and 1820.

Years.	Foreign.	Am. & foreign.
1816	259,017	1,359,219
1817	212,420	1,524,361
1818	161,444	1,578,347
1819	85,554	1,546,999
1820	79,202	1,610,610

The proportion of foreign tonnage to the whole amount employed in the foreign trade of the United States, stood thus: in 1816, as 32.8 is to 100; in 1817, as 21.4; in 1818, as 17.6; in 1819, as 9.8; in 1820, as 8.10

New vessels built—registered and enrolled.

Years.	Tons.	95ths.	Years	Tons	95ths.
1803	88,443	49	1810	127,575	86
1804	103,753	91	1811	146,691	82
1805	128,517	63	1812	84,699	42
1806	126,093	29	1813	31,153	40
1807	99,783	92	1814	29,039	90
1808	31,755	34	1815	154,624	39
1809	91,397	55	1816	131,667	86

Total value of exports.

Years.	Dollars.	Years.	Dollars.
1790	19,012,041	1810	66,757,970
1795	67,064,097	1815	81,920,152
1800	94,115,925	1819	70,142,521
1805	101,536,963	1820	69,691,669
1806	108,343,150	1821	64,974,361

The year 1806 was the maximum of our exports.

The exports to China, chiefly in silver coin, was, in 1819, \$1,533,972; in 1820, 1,479,701; in 1821, 4,220,560.

Domestic exports—average of five years.

From 1795 to 1799, both inclusive,	\$32,822,965
From 1800 to 1804, both inclusive,	42,048,366
From 1805 to 1809, both inclusive,	54,631,848
From 1810 to 1814, both inclusive,	50,618,196

*To Europe, Asia & Africa. American ports.**

In 1819	35,545,635	725,267	14,705,936
1820	36,415,560	761,495	14,506,585
1821	29,845,982	1,019,207	12,806,705

Imports of certain articles.

Sugar—in the year ending Sept. 30, 1821, the whole import of sugar was 59,512,835 lbs.—of which 40,907,867 lbs. were received from Cuba and other Spanish colonies—7.8ths from Cuba alone. From the Danish West Indies, nearly five millions; Dutch do one; Swedish do. one; Brazil, &c. two and an half; Manilla, &c. nearly two; British East Indies, nearly three and three-fourths. All other places, of much less amounts; from British islands or colonies in America, only 334 631 lbs.

Coffee—whole import 21,273,659 lbs. From all the British colonies only 159,674 lbs.

Molasses—whole import 9,086,982 gals.—from British colonies 26,559 galls.

Spirits, distilled from other materials than grain, whole import 3,165,974 galls.—from all the British colonies, only 113,483 galls.

Price of flour at Baltimore.

The prices in several months in each year are given, and from these the average of the whole year is determined.

Average of 1802, \$6.33; 1803, \$6.70; 1804, 8; 1805, 9; 1806, 7.20; 1807, 7; 1808, 5.50; 1809, 6.43; 1810, 8.75; 1811, 9.38; 1812, 9.14; 1813, 7.20; 1814, 7.37; 1815, 9; 1816, 9.75; 1817, 11.43; 1818, 10.50; 1819, 5.83; 1820, 4.33; 1821, 5.28; 1822, January, 6.

Florida Treaty.

Letter of the commissioners under the Florida treaty, to the secretary of state.

Sir: Several claims of indemnity have been presented to this board by citizens of the United States, for losses sustained by reason of the breach of contracts entered into with them by the government of Spain. In most, if not all of these contracts, the citizen stipulates to perform acts for Spain, which, as a subject of a neutral state, he could not have performed without transgressing the acknowledged belligerent rights of other nations with whom Spain was then engaged in open war. Acts, therefore, which would have subjected him to the just application of the laws of war, justified, nay, probably required the United States to abandon such citizen to the fate of war, without making any reclamation in his behalf. It is for the performance of such acts that Spain has contracted to make compensation. In support of these claims, it is contended, that it was distinctly understood, by the high contracting parties to the late treaty, that claims of this description were to be included, and were intended to be provided for explicitly by the fifth renunciation of the ninth article, within the words of which all such are found. And, in proof of this assertion, a letter from the minister of Spain, as well as the inclosed document, has been placed before this board. The commissioners feel inclined at present to construe this article

of the treaty in a different mode; and to reject all such claims as those above described. But as such a construction, if contrary to the intent of the high contracting parties, as is suggested, may possibly impair the faith of the United States, and lead to consequences violating even their peace, the commissioners beg leave to submit to you the propriety of adopting some course, which may bring before them any document, or suggestion, by which the object and intent of the United States, in concluding this treaty, may be disclosed more fully than they are now exhibited by the article before mentioned.

If the president is content to adopt that construction of the treaty, which the commissioners, as at present advised, are disposed to give it, no suggestion need be made to them. But if this should not be the case, as nothing will most probably operate to change the opinion which the commissioners are disposed at present to entertain upon this subject, but a clear communication that such a construction would be a violation of the intention of the high contracting parties, it will be necessary that a communication to this effect should be made to them. The mode of making it is submitted to the president. The want of any representative of the United States before this board, has constrained the commissioners to adopt the course they have thus pursued, with a full knowledge of all the objections which apply to it, not only as they refer to the president, but to the board itself.

We have the honor to be, &c.

The hon. the secretary of state.

To H. L. White, Wm King and L. W. Tazewell, esqrs. commissioners under the eleventh article of the Florida treaty.

Department of state, Washington, 9th of March, 1822.

Gentlemen—With reference to the letter which I have had the honor of receiving from you, dated the 5th inst. I am directed by the president of the United States to inform you, that, in providing for the claims of the citizens of the United States upon Spain, by the treaty of 22d February, 1819, it was *not* understood or intended by the government of the United States, nor, as is believed, by the other party to the treaty, that claims, arising from *contract* as they existed at the time of the signature of the treaty, should be excluded from the benefit of the treaty. The claims intended to be provided for were those especially enumerated in the renunciations, and embraced all claims, *statements of which, soliciting the interposition of the government, had been presented to the department of state, or to the minister of the United States in Spain, since the convention of 1812, and until the date of the signature of the treaty.*

As there is no limitation in the words of this renunciation, with regard to the nature of the transaction in which the claims originated, whether by contract or by tort, so none was intended. They were claims of all of which it was believed, that the only possible chance of obtaining any satisfaction to the the claimants, consisted in the execution of the treaty.

Of the absolute obligation of this government, to interpose in behalf of their fellow citizens, possessing such claims, and imploring the aid of their country to obtain satisfaction for them, no very subtle or punctilious scrutiny had been made. It was the need of the claimant, and not the legal classification of his claim, for which the assistance of his government had been wanted. The delay

*This includes, of course, all the British colonies, and all the other foreign ports in North and South America, and the West Indies.

or denial of justice which it was desirable to remedy, was the same whether it was for a wrong committed, or a contract broken. The claimants had all alike been *promised*, that, at the negotiation of the treaty, their claims should be considered, and endeavors made to provide for them *in common with others*.

Whether among the contracts provided for, there are some upon which the government of the United States, but for the treaty, must have eventually abandoned the claimants to the fate of war, was never a subject of inquiry. Those claims, it is presumed, were not the less valid against Spain, nor were their prospects of real satisfaction, by Spain, in any other manner, believed to be different from the rest. The government was indeed aware that the abstract right to its interposition, of citizens who had suffered by acts of foreigners, without any co-operation of their own, was more clear and imperative than that of others, who had voluntarily staked their property upon the good faith of Spain; and, in the course of the negotiation, a proposal was made to omit the renunciation which included the latter class of these claims. It was, however, finally agreed to, with the full understanding that all the claims should have the same benefit of the provision, be subjected to the same investigation, and be decided upon, not by any subsequent transaction between the claimant and the Spanish government, but by the commissioners in the manner prescribed by the treaty, and upon such proofs as they should think proper to require, for ascertaining its *amount* and validity. Of the right to include such claims in the provisions of the treaty, in cases wherein the interference of the government had been solicited by the claimants themselves, and their claims had, at their own desire, been made a subject of negotiation, no doubt was entertained. It is sanctioned equally by the moral principles applicable to public law, and by the frequent practice of other civilized nations, as well as by more than one example of our own history. If, indeed, no such right existed, and the two governments were not competent to make and accept such renunciation, it was certainly neither made nor intended. Whatever claim the United States were not competent to renounce, remains in full force against Spain, as much as if the treaty had not been concluded. But that a government negotiating for the claims upon another power for its citizens, at their own entreaty, is not competent to compound for them upon terms as favorable as it can, consistently with its duties to the rest of its own nation, secure, is a doctrine certainly not contemplated at the negotiation of the treaty, and now believed to be without warrant, either in the law or usages of nations.

To ascertain, in the manner stipulated by the treaty, and in no other, the full *amount* and *validity* of these claims, as existing on the day of the signature of the treaty, the commission instituted under the 11th article of the treaty was provided. How far contracts, under the special circumstances mentioned in your letter, as applying to some of those which have been presented to the board, were *valid* contracts, it is the peculiar province of the commissioners to decide. The executive government had not the means of judging of the *validity* of any of them; and of their amount, it could form no other than a gross estimate. But if fully believed that the sum stipulated for payment of these, would be adequate to the full satisfaction of every *valid* claim embraced by the treaty, whether the claim had originated in contract or in wrong.

I have the honor to be, with great respect, gentlemen, your very humble and obedient servant,
(Signed) JOHN QUINCY ADAMS.

Military command in Florida.

Message from the president of the United States to the house of representatives.

I communicate herewith to the house a report from the secretary of war, containing the information requested by their resolution of the 5th ultimo.

It may be proper further to add, that the secretaries of both the territories have occasionally required and received the aid of the military force of the United States, stationed within them, respectively, to carry into effect the acts of their authority.

The government of East and West Florida was, under the Spanish dominion, almost exclusively military; the governors of both were military officers, and united in their persons the chief authority, both civil and military.

The principle, upon which the act of congress of the last session, providing for the temporary government of the newly ceded provinces, was carried into execution, has been communicated to congress in my message at the opening of the session. It was to leave the authorities of the country as they were found existing at the time of the session, to be exercised until the meeting of congress, when it was known that the introduction of a system, more congenial to our own institutions, would be one of the earliest and most important subjects of their deliberations. From this, among other obvious considerations, military officers were appointed to take possession of both provinces. But, as the military command of general Jackson was to cease on the first of June, general Gaines, the officer next in command, then here, who was first designated to take possession of East Florida, received from me a verbal direction to give such effect to any requisition from the governor for military aid, to enforce his authority, as the circumstances might require. It was not foreseen, that the command in both the provinces would, before further legislation by congress on that subject, devolve upon the secretaries of the territories; but had it been foreseen, the same direction would have been given as applicable to them.

No authority has been given to either of the secretaries to issue commands to that portion of the army which is in Florida, and whenever the aid of the military has been required by them, it has been by written requisitions to the officers commanding the troops, who have yielded compliance thereto, doubtless under the directions received from general Gaines, as understood by him to be authorized.

Shortly before the meeting of congress, a letter was received at the war department from colonel Brooke, the officer commanding at Pensacola, requesting instructions how far he was to consider these requisitions as authoritative; but the assurance that a new organization of the government was immediately to be authorized by congress, was a motive for superceding any specific decision upon the inquiry.

JAMES MONROE.

Washington, March 5, 1822.

War department, March 23, 1822.

Sir: The secretary of war, to whom was referred the resolution of the house of representatives, requesting the president of the United States to inform the house "whether that portion of the United States' army now in Florida, is commanded by the officers of the said army, or by the secretary of

the territory, and, if by the latter, by what authority is he invested with such command," has the honor to transmit a report of the adjutant general, which furnishes all the information in this department in relation to the subject.

I have the honor to be your most obedient servant,
J. C. CALHOUN.

The president of the United States.

*Adjutant general's office,
Washington, March 23, 1822.*

SIR: In reply to your communication of the 21st instant, transmitting a resolution of the house of representatives of the 5th, I have to report that, from the returns in the adjutant general's office, it appears, that the troops now in Florida, those at Pensacola and St. Mark's, were under the command of col. J. R. Fenwick, and those at St. Augustine and Amelia Island, under the command of lieutenant colonel Eustis.

It does not appear, from any returns or reports in this office, that the secretaries of Florida have exercised any command over the troops within that territory.

I have the honor to be, with perfect respect, your obedient servant,
JAMES GADSDEN.

Colonel and adjutant general.

The secretary of war.

Manner of Reducing the Army.

Report of the committee on military affairs, instructed by a resolution of the house of representatives, of the 23d December last, to inquire "Whether the army had been reduced according to the provisions of the act, entitled "An act to reduce and fix the military peace establishment of the United States," passed 2d March, 1821.

April 2, 1822. Read and ordered to lie on the table. The committee on military affairs, which was instructed, by a resolution of the 23d of December last, to inquire and report, "Whether the army had been reduced according to the provisions of the act, entitled "an act to reduce and fix the military peace establishment of the U. States," passed the 2d of March, 1821,

REPORT:—The particular cases to which the attention of the committee has been directed, in which it is alleged there has been a violation of the act of the last session, are the following: The transfer of officers to a different corps from that to which they belonged previous to the reduction; the appointment of the paymaster general Fowson, and of lieutenant colonel Fenwick, of the light artillery, as colonels of artillery; and the dismissal of colonels Bissell and Smith, of the infantry, as supernumeraries; the provisional appointment of general Atkinson as adjutant general, and the subsequent appointment of colonel Gadsden to the same office, in August last; the appointment of general Atkinson to be colonel, and majors Bradford and Vose to be captains of infantry, and the dismissal of officers who were made supernumerary by such appointments.

In the reduction of the army, under the law of the last session, the president appears to have been governed by the construction, which had been given to the act of the 16th of March, 1802, under which the provisional army was disbanded, and to the act of the 3d of March, 1815, by which the army was reduced at the close of the late war. The 9th section of the act of 1802, the 5th section of the act of 1815, and the 12th section of the act of 1821, prescribe the manner of reducing the re-

spective armies. Their provisions are substantially the same, and these several sections are nearly in the same words. By that construction, given to the act of 1815, many valuable officers were disbanded, and many others were reduced from their former rank; yet your committee have not found that the correctness of that construction was ever doubted previous to the late organization of the army. The army register of 1815, was before congress during the session which commenced in Dec. of the same year, and a law was passed for organizing the staff therein provisionally retained, and which had not been provided for in the former law. The manner in which the law of 1815 had been executed must have been known to most of the members of both house in the last congress. It is, therefore, fairly to be presumed, that the framers of the act of March last, when they copied into the same the 5th section of the law of 1815, expected that it would receive the same construction as it had formerly obtained. Independently of arguments drawn from the practice under former laws, your committee are of opinion that the construction, given by the president, to the act of 1821, is the only reasonable one of which it is susceptible. The 12th section directs the president of the United States to cause to be arranged the officers, non-commissioned officers, artificers, musicians and privates, of the several corps in the service of the United States, in such manner as to complete out of the same, the force authorized by the act. The fair construction of this section is, to authorize the president to organize the military peace establishment, designated in the act, from all the various materials of which the army was composed, and for this purpose to transfer from one corps to another. The corps of light artillery, and the rifle corps, are not, like the ordnance department, merged in a different corps, but are both abolished. If the president was to fill the various offices in the several corps authorized by the act only, from those who previously belonged to the same corps, all of those who belonged to the light artillery or rifle regiment would have been left out, and the country deprived of the services of many of its most valuable officers. The various general and staff officers of the former army, including the paymaster general, must also be considered a part of the several corps mentioned in the 12th section, out of which the new army was to be formed, and might, like the officers of the light artillery or rifle regiment, be transferred to, or appointed in, a different corps; and, in like manner, the staff officers authorized by the act, might be filled by transfers from any other corps of the old army.

If the general and staff officers of the late army are not a corps, within the meaning of the 12th section, it necessarily results that all the general and staff officers of the new establishment should have been taken from such as did belong to some corps of the former army. Such could never have been the intention of congress.

The offices of colonel of artillery, to which colonels Towson and Fenwick were appointed, and of adjutant general, to which general Atkinson was provisionally appointed, were new offices, created by the act of March last. Previous to that time, the artillery was not organized into regiments, and had no grade of office therein higher than a lieutenant colonelcy. In the staff of the army there was an adjutant and inspector general, residing at the seat of government, and an adjutant general to each division. The adjutant ge-

neral of the army, authorized by the act of 1821, was intended to perform part of the duties which had been executed by the three others, but more particularly those which had been previously executed by the adjutant and inspector general. It has been objected that the paymaster general was not a member of the general staff of the army; that he was merely a civil officer, and as such was not embraced within the provisions of the law of the last session.

The office of paymaster was created under the act of the 8th of May, 1792, under which he received sixty dollars per month, and the rations and forage of a major. By the act of 1802, fixing the military peace establishment, the paymaster of the army was to be taken from the line of commissioned officers, and subjected to the rules and articles of war. In 1814, a salary was substituted for the monthly pay, &c. By the act of the 24th of April, 1816, for organizing the general staff, the paymaster general is recognized as part of the general staff of the army, and subjected to martial law; and, by the law of the last session, a paymaster general is also provided for, as one of the officers of the military peace establishment. Your committee can, therefore, see no reasonable grounds for the opinion, that the paymaster general did not belong to the army of the United States.

The office of colonel of artillery and adjutant general being original vacancies, it could not have been the intention of congress to deprive the president of his constitutional right to fill those offices in such manner as he should think fit, subject to ratification or rejection by the senate. Col. Gadsden was appointed to the office of adjutant general long after the time prescribed for the reduction of the army; and when the office was vacant, in consequence of the non-acceptance of the same by general Atkinson. The committee, therefore, cannot believe there was any violation of law, either in that appointment or in filling the office of inspector general, made vacant thereby. The dismissal of the supernumerary officers was a matter of necessity, and expressly directed by the act. Whether the president has discretely exercised the power vested in him by the constitution, in making the selections for these or other offices in the army, is a subject belonging exclusively to the senate. It is but justice to the individuals selected, to say, your committee have heard no objection to the character or competency of either of the gentlemen, whose right to the appointment has been questioned. They were all highly esteemed and meritorious officers. Colonels Fenwick and Towson had been brevetted for most distinguished services during the late war. While the committee pay this just respect to officers retained in service, they wish not to detract from the merits of the many valuable officers who have been left out of the army, or reduced in rank.

The only inquiry to which the attention of the committee has been directed, is, whether there has been a violation of law. Your committee are of the opinion, that the president had the constitutional right to leave out of service any officer of the army, and appoint another in his place. This construction of the constitution was distinctly adopted by the house of representatives at the first session in 1789, by a very decisive vote, being in the proportion of five to three, and after a long and able discussion, in which Mr. Madison took a distinguished part. The late president Washington carried this construction into practical effect in the last year of his administration, by re-

moving a distinguished individual from the office of minister to France, and the appointment of a successor during the recess of the senate; although this removal produced considerable excitement in the public mind, your committee have not been able to learn that its legality was ever doubted, or that the constitutional right of the president to remove from office has been questioned, since the discussion and decision above mentioned. This forms a conclusive answer to the objections to the appointments called razees, and the dismissal of officers of the grade to which others were reduced. By the construction of the act given to it by the president, and which your committee believe correct, the intention of congress is carried into effect, and the constitutional rights of the executive, and of the individuals concerned, are left unimpaired. Your committee are therefore of opinion, that the army has been reduced according to the provisions of the act, entitled "An act to reduce and fix the military peace establishment of the United States," passed the second day of March, 1821.

Seventeenth Congress—first session.

IN THE SENATE.

April 12. Sundry bills were read, and some preparatory proceedings engaged much of the attention of the senate this day.

Mr. King, of New York, submitted the following resolution for consideration:

Resolved, That the architect of the public buildings be in future appointed by the president of the United States, with the advice and consent of the senate, and he shall possess the powers and perform the duties of the superintendent of the public buildings.

The senate spent some time on executive business; and then adjourned to Monday.

April 15. A message was received from the president of the United States, transmitting, in compliance with a resolution of the senate, a report of the secretary of war, relative to the information in his possession, touching the most eligible site on the western waters for the erection of a national arsenal; which message was read.

The senate resumed the consideration of the bill to authorize the building of a light-house at Stonington Point, and (as it had been amended on the motion of Mr. Macon), one also, at or near the port of Ocracoke, in North Carolina.

Several other amendments were made to the bill, providing piers, &c. in different positions, and some propositions were rejected. Among the unsuccessful motions to amend the bill, was one by Mr. R. M. Johnson, of Ky. who proposed to add an appropriation of 20,000 dollars for removing obstructions at the falls of the Ohio river; which motion was rejected, without a division; and the bill was ordered to be engrossed for a third reading.

The senate then, according to the order of the day, proceeded to the consideration of the bill (introduced by Mr. Dickerson some weeks ago), prescribing the mode of commencing, prosecuting, and deciding controversies between states. [The first section of the bill provides that, in all cases where any matter of controversy now exists, or hereafter may exist, between states, in relation to jurisdiction, territory, or boundaries, or any other matter which may be the proper subject of judicial decision, it shall be lawful for the state, deeming itself aggrieved, to institute against the state of which it complains, a suit, or suits, in the supreme court of the United States, by bill in the nature of a bill in equity, stating all the facts, and exhibiting and referring to all papers and docu-

ments deemed necessary to substantiate the complaint. The remaining 14 sections embrace the details for effecting the object of the first section.]

Mr. *Southard* supported the bill in an argument of much length, and referred to the standing controversy between the states of New York and New Jersey. Mr. *Van Buren* spoke to the merits of the dispute--and then the bill was laid over till to-morrow.

The engrossed bill to repeal the 14th section of the act of last session, to reduce the military establishment, was read the third time, passed, and sent to the house of representatives for concurrence.

Several other bills being disposed of for the time being--

The bill from the house of representatives to authorize the secretary of the treasury to make an exchange of certain 6 and 7 per cent. stocks, for stocks to bear an interest of 5 per cent. was taken up in committee of the whole--Mr. *Morril* in the chair.

Mr. *Holmes*, of Maine, entered into a brief exposition of the operation and effect of the bill--and, in conclusion, expressed the opinion, that if there was a strong probability that the government would be able to pay off the debt as it became due, he should be averse to the bill; but, as it would do no harm, at least, if it did no good, he should support the bill.

Mr. *Macon* was opposed to the bill. He conceived it to be neither more or less than a new way to make a loan; for if there was a prospect of being able to pay the debt, this bill would not have been introduced. It was the precise way in which England had gone on in her public debt--that nation which we abused most and copied most. He was opposed to the whole paper system, public and private--the effect of which was only to make the rich richer and the poor poorer. He had heard of war in disguise, but this was the first time, he believed, they had ever had a loan in disguise, and he was decidedly opposed to it.

After some remarks from Mr. *King*, of N. Y. and Mr. *Holmes*, the bill was postponed until to-morrow.

The senate then went into the consideration of executive business, after which an adjournment took place.

April 16. The senate took up the reports of the committee of finance, unfavorable to the petitions of Jesse Hunt, and of J. Remsen, Holmes & Co (who pray to be relieved from the payment of duties on goods destroyed by fire), and concurred therein.

Several bills, not generally important, were passed, or otherwise disposed of. The one for ascertaining land titles in Florida, was ordered to a third reading. Some bills were received from the other house and referred.

Mr. *King*, of New-York, from the committee of foreign relations, to which was referred the bill from the house of representatives, making an appropriation (of \$100,000) to defray the expenses of missions to the independent nations on the American continent, reported the same with two amendments, the first adding 10,000 dollars to the appropriation, and the second subjecting the bill to the limitations of "the compensation of public ministers, provided by law."

The bill to authorize the exchange of certain stocks, was ordered to be read a third time, without debate.

After transacting some executive business, the senate adjourned.

April 17. After other business--

The senate resumed, in committee of the whole, Mr. *Holmes*, of Maine, in the chair, the consideration of the bill prescribing the mode of commencing, prosecuting and deciding controversies between states.

The debate was renewed on this bill, and continued with much earnestness more than three hours.

The bill was advocated by Messrs. *Dickerson* and *Southard*, opposed by Mr. *Van Buren*, and the want of a necessity for it urged by Messrs. *King*, of N. Y. *Barbour* and *Macon*. It was postponed until to-morrow.

The engrossed bill to provide for ascertaining claims and titles to lands in the territory of Florida, was read a third time, passed, and sent to the other house for concurrence.

The bill from the other house, to revive and continue in force an act, declaring the assent of congress to certain acts of the states of Maryland and Georgia, was also read the third time and passed.

The bill from the house of representatives to authorize the secretary of the treasury to exchange a stock bearing five per cent. for stocks bearing an interest of six and seven per cent. was read a third time and passed by yeas and nays--36 yeas, 2 nays.

The nays were Mr. *Macon* and Mr. *Seymour*.

The senate then went into the consideration of executive business; after which they Adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 12. The speaker took the chair at the hour of meeting, (10 o'clock), but there not being a quorum,

Mr. *McCoy* moved for a call of the house.

Mr. *Edwards*, of N. C. opposed the call on the ground that it would produce no valuable result, and that it was better for the house to wait until the members thought proper to attend.

The motion was negative, and, a quorum appearing, the business was proceeded in.

Mr. *Sergeant*, from the committee on the judiciary, to whom was referred the message of the president of the United States, on the subject of extra compensation to the attorney general, made a report thereon, approving of the course that had been taken in relation to the subject, and concluding with a resolution that the committee be discharged from the further consideration of the same, which was ordered to be laid on the table. [The report, &c. shall be published hereafter.]

Mr. *Garham*, from the committee on the suppression of the slave trade, made a report thereon, which, on motion of Mr. G. was ordered to be laid on the table and printed.

Mr. *Poinsett* stated that a bare majority only of the committee had agreed in making the said report; and he wished it to be distinctly understood that he (as a member of the said committee) did not concur in the measure recommended, which he deemed to be injurious to the best interests of the country.

Mr. *Edwards* of N. C. moved that hereafter the usual hour of meeting of the house be 11 o'clock. He stated that he had punctually attended pursuant to the rule recently introduced; but that experience had shewn that no benefit had been derived from it. Calls of the house had on two mornings been made, which he had opposed, although a quorum had not appeared; and, if all those who

were absent would vote for the motion, he had no doubt it would give a majority sufficiently large to carry it.

Mr. Taylor called for the question of consideration, and the house agreed to consider the same—ayes 70, noes 59.

Mr. Taylor then moved to lay the motion on the table, which was negative—ayes 43.

Mr. Hardin was in favor of the motion; not only on the ground that the present rule was inconvenient and useless in its operation, but also because it interfered with business at the public offices which the interests of their constituents required. Mr. H. was desirous to attend his duty in the house and out of it. He also adverted to the incompatibility of accomplishing the business which was confided to the committees, with a perseverance in the present rule of the house.

Mr. Vance called for the yeas and nays, which were ordered, and the question was taken, and the votes thereon were as follows: yeas 79, nays 79. The question was decided in the negative by the casting vote of the speaker.

The engrossed bill for the relief of sundry citizens of Baltimore was read a third time and passed.

The report of the committee of the whole, recommending a reversal of the report of the committee on claims, on the subject of the petition of the sufferers on the Niagara frontier, during the late war, being under consideration—

After much debate and sundry propositions to amend—The house decided to non-concur with the committee of the whole, and agreed to the report of the committee on claims, unfavorable to the claim of the petitioners.

Mr. Baldwin, pursuant to notice, moved that the further orders of the day be postponed, for the purpose of taking into consideration a resolution submitted by him some time since, to alter the laws laying duties on goods imported, and the question being taken thereon, it was decided in the negative—ayes 65, noes 79.

The house then resolved itself into a committee of the whole, Mr. Smith of Md. in the chair, on a bill for the relief of the officers and soldiers engaged in the late war against the Seminole Indians.

Some amendments were proposed and one of them adopted—the committee rose, reported progress and had leave to sit again. After which the house adjourned.

Saturday, April 13. The speaker assumed the chair at 10 o'clock, and a quorum not appearing,

Mr. Edwards, of N. C. moved for a call of the house.

Mr. Arthur Smith proposed that the question be taken by yeas and nays, which was agreed to, and the question was accordingly so taken, and decided in the negative—ayes 55, noes 59.

It thus appearing that a quorum was present—

The journal of yesterday was then read.

The following gentlemen were announced as having been appointed to compose the select committee on Mr. Bassett's resolution relative to the advancement of moneys on contracts for the government, viz: Mr. Bassett, Mr. Hardin, Mr. Cocke, Mr. Gilmer, Mr. Blair.

A good deal of minor business was attended to—Mr. Ennis, from the committee on military affairs, to whom was referred a message from the president of the United States, on the subject of fortifications and, particularly, those on Dauphine Island and Mobile Point, reported thereon adverse to making appropriations therefor; which report,

on motion of Mr. E. was ordered to be laid on the table.

Mr. Burton, from the select committee, appointed to inquire into the expediency of repealing the law for the encouragement of vaccination, made the following report. [In which it is pleasing to observe, that no doubt of the efficacy of vaccination is entertained by the committee.]

The committee appointed to inquire into the propriety of repealing the act of 1813, to encourage vaccination, and if, on inquiry, it shall seem proper, to report a bill to that effect, have attentively and deliberately examined the subject, and submit the following report:

The recent unfortunate occurrences in the state of North Carolina, having involved considerations of the utmost importance to society, and intimately connected with the dearest interests of humanity, your committee feel it to be due to the occasion to commence their remarks by a distinct and unequivocal declaration of their entire and unshaken confidence in the efficacy of the vaccine disease as a preventive of small pox. In addition to the experience of the most intelligent medical men, in all parts of the world, the committee have the satisfaction to state, that even the late unhappy accident in North Carolina has been attended by the consoling circumstance of another and a triumphant evidence of the virtues of vaccination. The inquiry, therefore, appears to be very properly limited to the mere expediency of the existing law, which authorizes the appointment of an agent, from and to whom letters may be transmitted free of postage. While the committee would on no account offer a suggestion, which could be construed to imply a doubt of the efficacy of vaccination, they conceive it may, nevertheless, be a question, whether the general government can beneficially interpose for the furtherance of an object which seems, in a peculiar manner, to appertain to the municipal authorities in the several states, and which must, of necessity, be finally committed to the management and discretion of professional men, possessing the confidence of the community. All our regulations for the preservation of the public health are questions of police, wisely committed to those who are immediately interested, and therefore most likely to adopt efficient measures for their own safety. And it is doubted whether congress can, in any instance, devise a system which will not be more liable to abuses in its operations, and less subject to a prompt and salutary control, than such as may be adopted by the local authorities. The privilege of franking letters, conferred upon an individual, for the purpose of enabling him to distribute the vaccine virus, and thereby to accumulate wealth, by levying contributions from all parts of the union, affords an instance of monopoly as repugnant to the spirit of our political institutions as it is to the character of the medical profession, which, for public spirited and active benevolence, is too well established to require auxiliaries of this description in the performance of its duties. But another and more forcible objection presents itself. An establishment of this kind, under the authority of the general government, naturally commands the attention of all portions of the country; and the numerous requisitions for the vaccine matter, from regions so extensive, must occasionally reduce any single agent to the necessity, of either relinquishing the proffered fee, or of transmitting matter of doubtful character. Sub-agents must necessarily be employed to furnish a supply equal to the demand. Careless or incompetent assistants, guided

of the demands upon the treasury, and the sums properly chargeable upon it? and, in a speech of considerable length, supported the proceedings of the committee. The fact is, said Mr. H. we have added to the national debt, since 1820, upwards of four millions of dollars; and, even with the aid of a loan of five millions, the deficiency of the revenue for the year 1821 will prove to have been about two millions of dollars, which must be charged upon the revenue for 1822. Mr. Van Wyck thought it a candid expose of the situation of the country, and wished 5,000 extra copies printed. Mr. Baldwin expressed his surprise at the subject now debated. The report appeared to have been drawn up with a great deal of pains, it contained much useful information—he was in favor of printing extra copies—the public money, he thought, was well spent in spreading documents of this kind before the people. Mr. McDuffie rose again—he was unwilling to print before the report was examined—and he referred to its merits, for which he was checked by the speaker, as being out of order. Messrs. Cook, Wright and Mitchell opposed the motion to print on various grounds. Mr. Gilmer said that 5,000 copies of the report of the committee of foreign relations had been ordered, and asked if the house acted consistently? Messrs. Cooke and Nelson, of Va. both rose to address the house on the subject: but the speaker announced that the hour allotted for the consideration of original motions had expired. And the house proceeded to other business.

The bill, supplementary to the act for the relief of purchasers of the public lands, was read a third time, and then laid on the table.

The unfinished business of Saturday was resumed, (relative to the compensation for horses lost in the Seminole campaign), and the question recurred upon the motion of Mr. Rich, in relation to the proof of such loss that should be required.

This amendment was carried—ayes 67, noes 56. A wide debate, in which many amendments were proposed, then followed—finally, the bill was ordered to be engrossed for a third reading to-morrow—89 to 49.

The house then resolved itself into a committee of the whole on the state of the union, (Mr. Nelson, of Va. in the chair.)

Mr. Baldwin moved that the resolution submitted by him in relation to the tariff, be now taken into consideration; and the question being taken thereon, it was decided in the negative; ayes 53, noes 70.

Mr. Eustis moved that the committee take into consideration the bill in addition to the act to reduce and fix the military peace establishment; which was agreed to—ayes 69.

Mr. Tatnall moved to strike out the four first sections of the bill, for the purpose of testing the question whether the house was disposed to reduce the army from its present establishment.

Mr. T. supported his motion by a speech of considerable length, and Messrs. Poinsett and Sterling spoke on the same side. Mr. Eustis replied. Mr. Cooke expressed a wish to deliver his sentiments—the committee rose, reported progress, had leave to sit again, and the house adjourned.

Tuesday, April 16. A variety of business was attended to, which will sufficiently appear in the future details.

The unfinished morning business of yesterday, in relation to the printing of an extra number of copies of the report of the committee on the sub-

ject of retrenchment and finance being first in order—

Mr. Cook moved to lay the motion on the table, which was put and carried—ayes 62, noes 43.

Mr. Butler, of N. H. submitted the following resolution:

Resolved. That the committee on manufactures be instructed to report such evidence or estimates as may be in their power, showing the annual amount and cost of the raw materials consumed in any one or more branches of manufactures; the number of persons employed; the amount of wages paid; the amount of capital invested in, and the amount of the articles annually manufactured, and their market value.

The question being taken on the adoption of the resolution, it was negatived by a large majority.

The bill respecting Imlay's invention for the security of the mails, was ordered to be engrossed for a third reading.

Mr. Patterson called for the consideration of the resolution by him submitted some weeks since, making it the duty of the respective departments, at the commencement of the next session, to report to this house whether any of the officers of the same are inefficient or can be dispensed with, &c.

The house agreed to consider the same.

Mr. Rich moved to lay the resolution on the table; which was lost—ayes 49, noes 56.

Considerable discussion took place. Mr. Wright opposed the resolution. It reminded him of the policy of the farmer, who, previous to winter, knocked such weak cattle on the head as he thought could not live through it. Among other remarks, he said, he had the honor of introducing the resolution which led to the publication of the "Blue Book." The object of that resolve was to prevent any one state from possessing an improper portion of influence with the executive. But the present resolution carried with it an indirect insinuation against the executive; he, therefore, protested against it; for it did seem to him, as if, through every avenue, daggers were pointed at the present administration, and he was sorry to see it attempted by congress.

Mr. Patterson rose and read a statement of the expenses of the officers of the several departments, in round numbers as follows:

Department of state	\$40,000
treasury	249,115
war	45,209
navy	26,000
general post-office	32,000

If such a standing army of clerks and messengers be continued, at such an enormous expense, it was no wonder it engrossed the attention of congress.

The resolution was agreed to.

The bill from the senate, for the relief of purchasers of the public lands prior to the 1st July, 1820, was passed; as was that for the relief of the officers, &c. engaged in the Seminole war.

The house then resolved itself into a committee of the whole on the state of the union, (Mr. Nelson, of Va. in the chair), on the bill in addition to the act, entitled "An act to reduce and fix the military peace establishment of the United States."

The question recurred upon striking out the first section of the bill—

After much debate, the motion to strike out the first section, (to defeat the bill), was negatived—ayes 41, noes 89. The committee rose, &c. and the house adjourned.

Wednesday, April 17. In the house, (as well as in the senate), this day, a resolution was submitted and referred to the committee on roads and canals, to inquire into the expediency of improving the navigation of the Hudson river.

Mr. *Gorham* presented the following resolution, which lies on the table one day of course:

Resolved. That the president of the United States be requested to cause to be laid before this house a copy of the judicial proceedings in the United States' court for the district of Louisiana, in the case of the French slave ship *La Pensee*; together with a copy of such parts as he may not deem inexpedient to disclose, and of the correspondence of the executive of the United States with the government of France, in relation thereto.

Mr. *Moore*, of Ala. submitted a long resolution for an inquiry about certain public monies received &c. by John Brahan, late receiver of public moneys at Huntsville; and as to what proceedings had been had in the case.

The house refused to recede from its amendment to the bill to provide for paying to the state of Missouri three per cent. arising from the sale of the public lands.

Mr. *Cock* gave notice that he would, on to-morrow, move for the consideration of the report of the select committee appointed on the subject of the examination of the western land offices, &c.

A message was received from the president of the United States, communicating information, called for by a resolution of the house, in respect to claims that may have been made by a foreign power to the territory on the Pacific ocean, west of the United States, which, on motion of Mr. *Cocke*, was ordered to be laid on the table.

The resolution about Inlay's plan for securing the public mail, was read the third time and passed, as were several private bills.

The house then went into a committee of the whole on the state of the union, (Mr. *Nelson*, of Va. in the chair), on the bill in addition to the act to reduce and fix the military peace establishment.

Much debate followed and sundry amendments were moved, a notice of which would be unintelligible to our readers unless they had the bill itself before them. Towards the close, Mr. *Hardin* submitted, as an additional section, an amendment, the purport of which was to repeal all such acts, orders, rules and resolutions, as have allowed to the officers and persons of the army, or at the military academy at West Point, commutation for servants' hire, subsistence, or clothing; and the question being taken thereon, it was carried. The committee then rose and reported the bill as amended.

And the house adjourned.

THURSDAY'S PROCEEDINGS--APRIL 18.

In the senate—Mr. *Morril*, submitted a resolution which had for its object a better security from persons authorized to receive or disburse the public money.

The bill from the house, making appropriations for the support of government in the year 1822, was taken up in committee of the whole.

Several small amendments were agreed to, &c.

The next amendment reported to the bill was one which went to extend to the military appropriation bill, already passed, the provision attached to the present bill, prohibiting payment of salary being made to any officer while his public accounts shall remain unsettled.

This produced much debate—Mr. *Holmes*, of Maine, and Mr. *Morril*, supported, and Mr. *Johnson*, of Ken. and *Johnson*, of Lou. opposed—after which, and some remarks from other members, the bill was laid on the table. The senate spent some time on executive business and then adjourned.

In the house of representatives—Mr. *Gorham's* resolution about the French ship *La Pensee*, was

adopted, as were those of Mr. *Moore* respecting certain transactions at Huntsville.

Several resolutions were submitted, which will appear in course, if acted upon.

The house refused to take up the motion to print 5,000 extra copies of the report of the committee on retrenchment, as also to consider the report on the subject of inspecting certain western land offices, and the bill relative to the escape of slaves, &c.

The bill in addition to the act to reduce and fix the military peace establishment, was taken up, and, after some remarks, laid on the table.

The house then resolved itself into a committee of the whole, Mr. *Condict* in the chair, on the bill making further appropriations for the military service of the United States for the year 1822, and for other purposes.

Mr. *Chambers* moved to strike out the appropriation of \$50,000 for fort Calhoun.

On this a very heavy debate took place—but before any question was taken thereon, the committee rose, &c. and the house adjourned.

CHRONICLE.

The Macedonian frigate, capt. Biddle, sailed from Boston on the 4th inst. fully equipped and powerfully manned, for a cruise in the West Indies, to suppress piracy and afford aid to our smaller vessels engaged in that business.

Grain. Corn was lately selling in Philadelphia at eighty cents, and oats at fifty cents per bushel. Great prices for farmers.

Fire. About 27 buildings (of every description), were consumed at Fredericksburg by fire, on the 14th inst. The goods and furniture chiefly saved.

Shipwreck. A schooner was lately shipwrecked, in a violent gale of wind, on the *Seneca* lake—crew saved. We hardly knew exactly where the *Seneca* lake was, a few years ago.

Boston. No small degree of excitement prevailed in this (now) city as to the choice of its first mayor. Mr. *H. G. Otis* was the "caucus federal candidate," and received only 1384 votes; Mr. *Josiah Quincy* was put up by another section of the "federal" party, and received 1736 votes. The scattering votes amounted to 610, so there was no choice, and a new election must be had. The "republicans" do not appear to have voted at all for mayor. Since then, Mr. Quincy has published a letter absolutely declining a poll, and the friends of Mr. Otis have withdrawn his name: and a new candidate must be selected. The *Centinel* boasts that "the whole federal caucus ticket," for aldermen, has been elected.

There has been much matter published in the papers about these things—they are only referred to, to shew, though Boston was the birth-place of the phrase "era of good feelings," that party power is as much sought after and as sedulously maintained, in that place as ever it was. This is not stated in censure, but simply as a fact that needs no remark.

Mr. J. Phillips has been named as mayor, and will probably be elected without much opposition.

New York. The land that belonged to the "Holland company," about a million and an half of acres, lying in the western district of the state of New York, is said to have been purchased, or about to be purchased, by an association of citizens at Albany.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

RETRENCHMENT. We publish entire the report of what is called the "retrenchment committee," annexing also the additional report from the same for reducing the per diem of the members of congress, &c. The report has been severely assailed and warmly defended, in the house of representatives. Some say that certain of the items presented are not correct, but others maintain that they are right. The subjects presented are of the greatest interest to the people. The committee state the unpleasant fact that, notwithstanding the relief afforded by the loan of *five* millions in 1821, there was a real deficiency at the treasury of more than *two* millions, "which must be charged upon the revenues of 1822." We have long held an opinion that there was a deficiency, notwithstanding all that was said to the contrary.

It is with regret to be noticed that the committee recommend a reliance on "a broken staff," foreign commerce, to supply the wants of the government. We are not, and probably never shall be, opposed to a tax on foreign products consumed, as a part, or even the principal part of a revenue system; but it is in vain to contend against the fitness of things as established by the experience of all nations. It is freely, we may say proudly admitted, that the people of the U. States have it more in their power than any other people to coerce a rigid economy in the administration of their affairs; that they possess the means of checking, if not of preventing abuses—but still, we think it may be easily shewn that it is as well impolitic as unjust, to rely on *foreign* productions for revenue: impolitic, because such revenue must be unsteady and independent of any regulations of our own—unjust, because it bears unequally on the people and has an inevitable tendency to encourage foreign labor and discourage domestic industry. But the committee seem to think it hard that congress is "compelled" to apportion direct taxes according to representation: surely, they will not contend that certain districts of country should possess power without contributing proportionally for it! It is against every rule of the republican system—and opposed by common sense. It has been a master-stroke of policy in some of our legislators to render direct taxes odious—in which, I am sorry to say, they have so far succeeded; for, if the people of the United States had *felt* what they really paid for the support of government, there never would have been need for a committee on retrenchment: but indirect taxation always has, and always will, involve nations in difficulty, if not conduct them to despotism.

THE INDIAN TRADE. To preserve peace, and teach the "untutored Indian" to reconcile himself to the condition in which our march of population, spirit of enterprize, or lust of domination, has placed him—is at once necessary to the national honor and respect of posterity: and it is evidently a duty imposed upon us to protect them from the inroads of certain sets of adventurers, really less Christian and more lawless than themselves—men so actuated by the spirit of trade, as to feel willing to sweep off a whole tribe for the profits made on a barrel of whiskey. Miserable as these people

are, *they are men*; and it becomes us to inquire how much we ourselves have added to their ferocious manners and dissolute habits. I trust that I am not a bigot—but I would not part with my notions of accountability for the dominion of the world; and heterodox as some may esteem it, I do believe that the "GREAT SPIRIT"—(the "JEHOVAH, JOVE, or LORD" of nations more civilized), has equal respect for his poor red children, as for kings clothed in purple, or judges covered with ermine, though professing and subscribing to ten thousand dogmas of faith, and practicing, perhaps, much less the great moral duties imposed on the human race, than these ignorant men.

A disposition appears to prevail to abolish the present system of Indian trade. We are not prepared to say that it is the best that can be devised to effect the objects designed by the good and great men of the nation: but we feel almost certain of this, that it would be inhuman to suffer this people to be indiscriminately intruded upon by our traders. Attached to the manners of their fathers, how often do we hear them petitioning that the white man may be kept out from among them, and for the weighty reason that misery follows wheresoever he goes in the pursuit of profit: and it becomes those to whom the charge of the Indians is more immediately committed, the members of congress and heads of executive departments, seriously to pause and consider before they throw down the barriers which benevolence, at least, intended to place between them and the less compassionate whites; as well as to count the cost that may flow from a departure from the present system. We are zealously the friends of economy, and sincerely desirous for the prosperity of our country—yet we cannot desire the destruction of the Indians to accomplish the one, or a cutting of throats in Europe to effect the other: and there may be as much true economy in expending as in saving money. At any rate, the national dignity requires that we should take care of our Indian neighbors, and mitigate, if we cannot prevent, the evils to which our approximation has subjected them.

VACCINE AGENCY. The bill to repeal the act constituting this agency, has passed the house of representatives by a very large majority—102 to 57—and we are sincerely glad of it, regretting only that the agency was ever established. We have not yet doubted that the vaccine disease was the means afforded by a kind providence to extirpate the small pox, but have believed that the remedy would have succeeded far better, if less reliance had been placed on the agent and more on those whose business it is to attend to and mark the progress of that remedy. High sounding titles will do nothing with the small pox—it is genius, diligence and care that must combat and destroy it.—Its management is best left with those to whom we trust our lives—*direct responsibility* is the best security that can be afforded in things of this nature.

THE NEXT PRESIDENT. Several of the newspapers are still busy in putting forth the pretensions of favorite characters for the presidency of the

United States—the persons named as candidates now amount to sixteen or seventeen; a goodly number, and if each has a reasonable quantity of friends, with long purses or extensive patronage to keep the press a-going, we may expect a great deal of *ink-shed* before the 4th of March, 1825.

JAMES OTIS. We are much pleased to observe that William Tudor, esq. has issued proposals for publishing the life of JAMES OTIS, esq. of Massachusetts, including notices of some contemporary characters and events, from the year 1760 to 1775. Without hesitation, we promise ourselves that this work will deeply interest all who feel desirous of ascertaining the cause and progress of events that led to the American revolution. Mr. Otis was the most important man of his day: Mr. Tudor's literary reputation is well established, and his opportunity to collect materials is uncommonly fortunate.

GENERAL GREEN. The first volume of the life of this distinguished revolutionary chief, by William Johnson, esq. of South Carolina, has appeared, and is highly spoken of. This volume makes 500 quarto pages, and is richly interspersed with portions of American history. Greene, surely, was one of the greatest men of his age, though nobility will shrink at the fact that he was brought up as a blacksmith; and his biographer is said "to write like an American who partakes of the enthusiasm that the contemplation of his hero inspires."

We are truly rejoiced to see an increased attention to revolutionary measures and men. Their example is precious.

LEGISLATURES. A Pennsylvania paper observes—"We may say of our assembly, as Popham said of the house of commons when asked by queen Elizabeth, 'Now, Mr. Speaker, what hath passed in the common's house?' he answered 'if it please your majesty, seven weeks.' [four months].

□ If the same were applied to congress, what might be the answer? This body has been in session more than four months, at a cost to the nation of not less than *two thousand dollars per day*, or about 500 dollars an hour, for the average time that has been expended on the public business—to the great mortification of many honest and industrious members, who would have made, or saved, more than their *per diem* by being at home, instead of remaining at Washington—and what has been done to benefit the nation? It is agreed that may arise from too much legislation more easily than from too little—but if nothing is to be done, the sooner it is resolved upon the better. We have no money to waste just now.

THE COLLECTOR of a southern port, it is said, was lately discovered to have defrauded us out of about *eighty thousand dollars*. Perhaps, the whole amount of depredations on property, committed by all the prisoners in the Maryland penitentiary, is less than the aggregate of this man's wrongs—yet, no doubt, he will by some means get clear of punishment, and, perhaps, even retain the money! The law cannot reach such cases as it should do. We much want an act to punish these things, criminally. They, certainly, are less excusable than highway robbery, if unattended with outrages on persons. There is something *noble* in a fellow who, to get money, puts his life in lawful jeopardy—but how *mean* is it for a man to sneak into our confidence and rob us, by a breach of trust!—An energetic law of congress

would "correct" such procedures, and we trust that the present session will not pass over without the enactment of one.

THE OFFICE OF JUDGE, &c. The venerable Jeremiah T. Chase, chief judge of one of the districts in Maryland, was lately presented by the grand jury of Montgomery county as a "serious grievance," because of his absence from the bench. To relieve him from this, his medical attendant and friend, Dr. John Ridgely, has published the following statement:

"I have been judge Chase's family physician for the last fourteen years. During this period his health has been infirm, and his complaints have in several instances assumed a most dangerous aspect. He has at different times manifested an intention to attend the courts and has been dissuaded by me. *Not only his health but his life would have been hazarded by application to business.* His late attendance during a protracted and arduous session of the court of appeals, might have produced alarming consequences had not an opportune bleeding from the nose relieved him."

Full faith is justly due to all that Dr. Ridgely says, and there cannot be a doubt that judge Chase is *willing* to perform all the duties required of him, with the greatest zeal and strictest integrity—but as the fact is that he is *unable*, and, from his greatly advanced age, it is impossible to expect that he ever will be able to perform them, does not common sense say that he should retire, does not common justice demand it? If his inability was of a temporary character—if there was a hope that it might be removed even in the lapse of a twelve-month, so great is our respect for his character, that we would say, "wait patiently such a man as he *was* is not to be met with every day;" but we are told that there is no hope, for old age is incurable.

Whether or not the amount of the salary is necessary to the comfort of judge Chase, we are not informed; but if it is needful, must say—that the public interest would be much better consulted by paying him a *pension* to the amount of it, in acknowledgment of his services. The dearest of all liberalities or charities, are those paid to public officers as for doing what they are incapable of doing. The man with one arm should never be put to do a business that requires two arms, however worthy he is, or justly he may be entitled to the public support. If it is right that he should be maintained by the public—so be it, we will cheerfully contribute our part of the cost; but let him not stand in the way of the public business, and cause the loss, perhaps, of many times the amount of his salary by doing so.

INTERIOR COMMUNICATION. Much has lately been published in the Western papers about the making of a canal to connect the waters of lake Michigan with those of the river Illinois—which, it seems, may be accomplished at an inconsiderable expense, compared with the magnitude of the benefit to be derived from it. It is estimated in the *St. Louis "Register,"* that, when the New York canal is completed, if the canal just above mentioned is made, a ton of merchandize may be transported *to and from* New York for 80 dollars, or at 40 dollars per ton for each voyage, *both* occupying 76 days, including all delays or reasonably anticipated impediments: whereas the transport of a ton of merchandize *to and from* New York, *via* New Orleans, will consume 120 days, and cost from 140 to 150 dollars per ton. Besides, there will be much

greater safety in the former route. The average time of a voyage from St. Louis to New Orleans is given at 20 days—the return at 30 days. New Orleans is the natural market for the products of the valley of the Mississippi—but it seems as if an artificial one may rival or command it, through public spirit and certain local advantages.

THE LAW! THE LAW!! It is probable that A. Lithgow, though found guilty of “larceny of the money of the bank” at Richmond, will finally escape punishment—for he has *able* council, and every possible point is disputed. “Plate sin with gold,” &c.

THE HOPPER-BOY. It is stated, that Oliver Evans' patent-right to the Hopper-boy has been declared, by a late decision of the supreme court, at Washington, “void as a patent for improvement, because the specification is not according to law; and void as a patent for the whole machine, because he was not the original inventor.”

MAILS. The average number of mails made up weekly at New York, according to a statement lately published, is 1031: those made up at Washington city at this time, amount to 1532. But this number will be greatly diminished on the rising of congress.

NEW SOUTH ICELAND. A vessel has just arrived at Stonington, Conn. from the newly discovered land to the south. Left several American vessels, with some oil and fur seal-skins. The slaughter among the seals has been so great that they appear to be becoming scarce. This vessel has brought in only 400 skins.

BALANCE OF TRADE. In the REGISTER of the 9th ult. an article was inserted about the “balance of trade,” which I did think was entitled to the notice of the editors of the “National Intelligencer,” for they had assured the public of the “*most important fact*” that the amount of our exports exceeded that of our imports, in the handsome sum of two millions four hundred thousand dollars: and so it did—yes, *indeed*, it did; but the excess, and more, was made of *specie* exported beyond the amount imported, to pay off old debts or make new speculations. I know it to be nearly impossible that the editors of this extensively circulated and important journal should notice every thing of this sort, and especially during the sessions of congress, when they have so much and such diversified business to attend to; but, as they had sent out the *impression* of a fact the reverse of what its *real merit* was, I think that they might have found time to correct or explain it. *Specie*, as an article of commerce, is the *last* thing that leaves a country, even *Mexico* or *Peru*, if other commodities will bear the cost of transportation, to make a freight being the primary and continual object of ship owners. Gold and silver, therefore, and especially as to countries which do not expend labor in producing these metals, serve only as an index to the course of trade, being used to satisfy balances that cannot be closed by the transmission of other commodities; and when so large an amount as two and an half millions* is *lost* to the United States in one year, it is conclusive evidence that our own products have

ceased to supply the demand for foreign goods.—It is no matter whether the specie goes to China, England, or Kamtschatka—for it is the general balance of the specie-account that belongs to the question.

There is an immeasurable distance between true words and substantial facts. The sum of the exports shews a balance in our favor—so may the account-current of an African prince who barter his own wives and children, that happen to offend him, for beads and looking-glasses and red cloth, with *Christian* dealers in human blood. The truth is, and there are no persons who know it better than the editors of the “Intelligencer,” that an attempt to ascertain the “balance of trade,” by custom-house returns, is impracticable.—If possible to be ascertained at all, other things, of a totally different nature, must be considered, to gather an idea of what it is—and this is all that we can do, though it is not difficult, sometimes, to determine on the matter *en masse*. We shall shew that the returns at the custom-house of an excess of imports, may as easily prove that a balance is in our favor as an excess of exports can do—that is, that such statements cannot prove any thing in themselves, though exceedingly interesting in many other respects.

There are certain points that claim attention, which we shall endeavor to lay before the reader as briefly as possible:

1. If the cargo of an American ship (when on board), worth 20,000 dollars, is transported to a foreign country, through the agency of American seamen, subsisted on American provisions, and there sold or bartered so that the return-cargo imported, shall have cost, at its market price in the foreign port, 25,000 dollars—a table of exports and imports, framed out of the custom-house returns, would shew a balance of 5,000 dollars against our country, when, in fact, we had gained that sum by domestic labor and subsistence expended and capital employed, or profit realized.

2. If such cargo, so transported to a foreign market, will there only purchase other goods, for import, of the value of 15,000 dollars—these tables will shew a national gain of 5,000 dollars, though that sum has been actually lost, as well as the charges for the transport, out and home, and interest on capital invested: and if the ship and cargo be sunk at sea, whether going or returning, then the whole of the original investment will go to the credit of exports against imports, and exhibit an apparent national gain of 20,000 dollars, though a direct and positive damage is sustained to that amount.

3. Notwithstanding the merchant, in the receipt of 15,000 dollars worth of foreign goods in exchange for 20,000 dollars worth exported, may save himself from loss, or even make a profit, by the sale of the goods to his own countrymen at a much advanced price over the foreign cost—such saving or profit is nothing to the nation, unless such goods, at their enhanced value, are re-shipped and the advance is realized out of foreigners.

These propositions are incontestible, according to the principles on which such statements of exports and imports are founded—which put nominal amounts of money in opposition to one another. But what is the *real* state of the case, when 100 dollars worth of *bread stuffs* or *meats*, are exchanged for a *merino shawl* or a *Leghorn bonnet*, valued at 100 dollars, in the foreign places at which they are purchased?

*A sum more than half as much as the whole amount possessed by the national bank, when well conditioned!

Again—the fact is that, in consequence of the rate of exchange being so heavily against us, our merchants would be well pleased to sell cargoes of cotton at Liverpool or Glasgow for the clear money—amount that they cost at Charleston, Savannah or New-Orleans: and then, if 1000 dollars in the United States is put in opposition to 1000 dollars in Britain, it is evident that the former has lost the amount expended in transporting the commodities that furnish such values.

When the export carrying trade is profitable, an excess of imports may represent that profit—when it is unprofitable, an excess of exports may shew a real loss to the nation. So opinions about “the balance of trade” cannot rest on custom-house statements.

But if we assume such statements as data, or use them in any way, the following must be added to the cost of imports—

1. We imported articles, in 1821, other than gold and silver, valued at 54,521,724 dollars, and, in like manner, exported others valued at 54,496,323—seeming balance against us \$25,401.

2. The rate of exchange on Great Britain averaged 10 per cent. against us—which is surely chargeable on the cost of the goods imported from that country, because the condition of it necessarily reduced the comparative value of our commodities at that rate—just as much so as if the whole had been purchased by bills of exchange.

3. We have 620,000 tons of registered shipping; these cost 50 dollars per ton, or 31 millions: and the interest on this capital must be taken into the account.

4. The cost of repairs, “wear and tear” of vessels and depreciation of value, is, (in the opinion of several experienced persons with whom I have conversed), at least equal to the original cost in a period of seven years, and a total loss of property vested in ships may be said to occur once in every seven years.

5. The vessels and their cargoes must have an allowance for losses at sea, whether going or returning—this allowance is best made by the premiums on insurance paid, say at 2 per cent. out and 2 per cent. home, as the general average. The value on which that is to be paid, is—for ships, 31 millions; cargoes, outward and homeward, 109 millions—together 140 millions.

6. Suppose that only 20,000 men are employed in navigating those vessels—the cost of their labor and subsistence will average 75 cents each per day.

Other things might be added, but these are sufficient for our present purposes:

1. Apparent balance against us	25,000
2. 10 per ct. advance on British goods	2,500,000
3. Interest on capital vested in ships	1,860,000
4. “Tear and wear” and depreciation of do.	4,420,000
5. Insurance at 2 per cent.	2,800,000
6. Labor and subsistence	5,475,000

\$17,080,000

Now, if the custom-house returns can be used to prove any thing, they must indicate an enormous balance against us. That such balance exists, there is no one that will pretend to deny, however much we may differ about the manner of shewing it. England is the great market for our cotton, tobacco, &c. yet we find our ship owners sending out gold and silver in their vessels, the freight of which is trifling, in preference to cargoes of domestic produce, the freight on which it is always so desirable to obtain: they not only do this, but they also

give a premium of about six per cent. for gold—even ten dollars and sixty cents in silver for an Eagle to send to Liverpool to buy goods, that they may make a freight inward. The exchange is now fourteen per cent. against us—we recollect when it was twenty per cent. in our favor. At that time, every branch of domestic industry was prosperous—money was abundant, though there was so much use for it that eight per cent. interest was thought reasonable: now it yields less than five per cent. and is scarce, because it does not circulate; many branches of industry dragging on slowly and barely subsisting those engaged in them. Some have yet really to learn that the French revolution is over, that Europe is at peace, that we are no longer the carriers for other nations. This nation was so completely intoxicated with commercial prosperity that it has not yet got sober, though one would think that time enough has elapsed and suffering enough been endured, to bring us to our senses.

FLORIDA William P. Duval, of Kentucky, recently judge of the United States’ court in East Florida, has been appointed by the president, with the consent of the senate, to be governor of the territory of Florida.

THE *National Intelligencer*, of Saturday last, says—Of the documents yesterday transmitted to congress by the president, connected with recent occurrences in Florida, the most important is a letter from the secretary of state to don Joaquin d’Anduraga, minister of Spain, giving a definitive answer to his complaints against the proceedings of general Jackson, whilst governor of Florida. The letter is of such length, that we shall not be able immediately to publish it. Meanwhile, we present our readers with the following, which are the concluding paragraphs of the letter, and which afford information of the destination of the Macedonian frigate, which lately sailed from Boston:

“The delays of the captain general of Cuba, with regard to the fulfilment of the royal order transmitted to him by col. Forbes, were so extraordinary, and, upon any just principle, so unaccountable, that the minister of the United States in Spain was, by letters from this department, of 13th and 16th June last, instructed, upon his return to Madrid, to represent the same to your government, and to request new and peremptory orders to that officer, for the delivery of the archives in his possession, conformably to the stipulation of the treaty. The renewal of the order was declined, upon the ground of entire confidence on the part of your government, that the captain general would, before it could be received, have completed the delivery of the archives and documents, as he had been commanded by the king.

“I regret to be obliged to state, that this just expectation of his Catholic majesty has not yet been fulfilled.

“Captain James Biddle, commander of the United States’ frigate Macedonian, has therefore been commissioned to repair to the Havana, there to receive the documents and archives which colonel Forbes was obliged to leave, and which it is hoped the captain general and governor of Cuba will cause to be delivered without further delay.”

THE CONSTITUTION. We have already noticed the decision of judge Tucker, that the “loan office law” of Missouri is unconstitutional. He is a state judge. The St. Louis Enquirer, of March 9, has the following article relative to another measure of “relief”—“Judge Tucker has decided in the

St. Louis circuit court, in the case of Glasscock against Steen, that the act of the last session of the legislature, providing for a stay of execution for two years and a half, (if the plaintiff will not endorse that he will take property at two-thirds of its value) is *unconstitutional*. The judge says, "let right and justice prevail." We will publish this opinion next week; in the interim we would direct the attention of the people to the opinion of judge Jones, of the supreme court, reported below. The opinions, conjointly, exhibit a strange collision of ideas on the same subject; but it may be some satisfaction to the public at large to learn that all the labors of the legislature were not in vain, to remove the embarrassments of the country. We are only sorry that judge Jones's opinion is not finally decisive of the question."

☞ We shall take some opportunity to give these opinions at length.

CONSTITUTIONAL MATTERS. The following article from the "National Intelligencer" of Monday last, addressed to the editors, is copied by us as presenting some curious facts about constitutional matters, as applicable to the Cumberland road.

"Gentlemen: I enclose herein the act of the assembly of Virginia, of 1807, relating to the Cumberland road. I wish that you would give it a place in your paper. It will puzzle the modern advocates of state rights to explain under what constitutional principles (according to their construction of the constitution) congress can derive power from a state legislature to do an act which they could not perform under the constitution of the U. States. Had I time at command, I would furnish a concise commentary on this act. But my other vocations prevent me. I should like much to see the act printed, as it is but little known, and less spoke of.

Yours, &c.

[The following is a copy of the act enclosed in the above letter:]

AN ACT giving the assent of the state of Virginia to an act of congress for laying out and making a road from the Potomac river to the state of Ohio.

Whereas, by an act of congress of the United States, passed on the 29th day of March, 1806, entitled "an act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio," the President of the U. States was empowered to lay out a road from the Potomac to the Ohio river, and to take measures for making the same, so soon as the consent of the legislatures of the several states, through which the said road should pass, could be obtained; and whereas application has been made to this general assembly, by the president* of the United States, for its consent to the measures aforesaid:

Sec. 1. *Be it therefore enacted by the general assembly, That the President of the United States be, and he is hereby authorized to cause so much of the said road as will be within this state, to be cut out from the place where the same may enter the territory of this state, to such point or place on the Ohio river as now is, or may hereafter be, agreed on by the president or congress of the United States, and to cause the said road to be made, regulated, and completed, within the limits, and according to the true intent and meaning of the before recited act of congress, or any future act by them to be passed in relation thereto.*

Sec. 2. *Be it further enacted, That such person or persons as are, or shall be, appointed for the pur-*

pose of laying out and completing the said road, under the authority of the U. States, shall have full power and authority to enter upon the lands through which the same may pass, and upon any lands near or adjacent thereto, and therefrom to take, dig, cut, and carry away, such materials of earth, stone, gravel, timber, and sand, as may be necessary for completing the said road.

Sec. 3. *Provided, nevertheless, That such materials shall be valued and appraised in the same manner as materials taken for similar purposes, under the authority of the commonwealth, are by the laws thereof directed to be valued and appraised; and a certificate of the amount thereof shall, by the person or persons appointed, or hereafter to be appointed, under the authority of the United States, for the purpose aforesaid, be delivered to each party entitled thereto, for any materials to be taken by virtue of this act, to entitle him or her to receive payment therefor from the United States.*

Sec. 4. *This act shall be in force from the passing thereof.*

Passed in the session of 1807.

DEBATES IN CONGRESS. Having alluded to the following report of a speech delivered in congress, to support an opinion that if speeches were reported as delivered, that we should have a much less number of them, we have thought it best to publish the article. It is copied from the Boston Daily Advertiser, and said to have been pronounced in congress on the 6th inst. when the question of appropriating 9000 dollars for the Cumberland road was before the house of representatives.

"Mr. Baily, of Md. I shall not use so much slang as many men on this floor. Some of them talk a great deal *without* knowing much about the subject. I have read in the newspapers that this is the wisest congress we have ever had; and they are the most dilatory. In truth we take time to consider well. What is this 9000 dollars? Let's give it to 'em—give 'em a good road. Gentlemen think that it will facilitate intercourse between the east and west, and diffuse knowledge. I think so too. I think we ought to give our brothers in the west some intelligence, for many of them get up and *speak here without intelligence*. If we have not a communication of this sort, we shall be separate and distinct states. We cannot preserve the union except by a commercial intercourse. Nothing but commerce can save us. Why was Alexander called Alexander the great? Not because he conquered the world, but because he *connected* together all parts of the world in a grand commercial system—because he built Alexandria, and associated his name with the great system of international knowledge and profit, of which he was the author.—That's the reason he was called great. If there were not a chance to get acquainted in the way of business, we should hate and despise, and bye and bye we should kill one another; Pennsylvania would like to *put a mountain* right in the middle of Cumberland road. Some men from Pennsylvania don't like it; that is, the Pittsburg interest, don't like it. It spoils their great road and hurts the towns situated thereon. The truth is, the question is not whether this road is a good thing for the nation, but is it profitable to Pennsylvania, *that's the question*." I never have been on this road, and I never shall be on it,—according to my present ideas; for I have no notion as yet of *becoming an emigrant*; but then I like that our western friends should have a good road to travel, when they come here. They live in a wilderness; and they will be very much pleas-

*Mr. Jefferson.

ed, and like us better. if we make a good road for them. If we don't keep up an easy and comfortable communication, we shall be divided into eastern men, and *men of the woods*. But when we let one another have what we don't want and get what we do want, and when we are all the time receiving favors from one another, and find that we think, and feel, and speak just alike; ecod! we begin to be very good friends. (The chairman called the gentlemen from Md. to order.) Mr. B. said that he used the language of our brothers from the west. But Mr. chairman, this is a great national subject, and we must think as much alike as possible. We might make a great canal between Chesapeake bay and the Delaware; we can do it with *stock* if we are a mind to. New York has a great canal which her *great men think goes round the world*. She has wise men too—wiser I dare say, *than she has sent here for these two or three years*.—She was helped a little in making her canal by salt and Saratoga water. But this has nothing to do with the subject. I am for repairing this road.—What's \$9000? Let's give 'em a good bridge too over the Monongahela. Instead of forty thousand dollars to build a wooden bridge; give 'em a hundred and forty thousand to make a good *stone* one. They will think the better of us every time they pass over it. They will march over it to fight for us; we shall march over it to fight for them. I merely got up to assist our *brothers from the west*. I hav'n't any interest in the business; and the gentleman from Richmond here has no interest in it; and I hope he'll assist me."

AGRICULTURAL. *From the Fayetteville, (N. C.) Observer.*—We understand that James Seawell, esq. of this place, is making the attempt to naturalize the *Sea Island* and *Brazil* cotton to this climate, and has planted on his farm on the Cape Fear, near this place, nearly 20 bushels of the seed of this kind of cotton, and has received from a gentleman, now on a visit at Baltimore, resident at the Havana, the seed of a particular and highly esteemed tobacco, raised in the island of Cuba only, called the "*de la Vuelta abajo*," the culture of which, has long been held by the planters of the Island, located between the Havana and Mariel as their exclusive property, and cultivated by none others in the island of Cuba; its value is estimated for segars at from 1½ to \$2 per pound. These experiments are of no ordinary magnitude to the planters and land holders on the Cape Fear. Mr. S. is no less a practical farmer than an operative man in every enterprize he has undertaken; and has succeeded in cultivating the common Upland Cotton on these lands to great advantage, having the last year raised a crop of cotton equal in *quantity* and *quality* to the acre, to any of the best South Carolina or Georgia lands.

FOREIGN NEWS. By several late arrivals from Europe, the public mind has been considerably agitated since our last. London papers of the 11th of March give us almost reason to believe that a revolution had really commenced in France, and that the cry was for Napoleon the second. A certain general Benton was said to have raised the tri-colored flag, issued proclamations, and collected a considerable force at Tours, from whence he had marched to Laumur, gathering force like a snowball. Paris accounts were then received that gave some details of these events, but made them out to be the acts of a few rebellious individuals, who were promptly put down by the military, who re-

mained entirely faithful to the king; that Benton had fled in disguise, and that all things were quiet, though this did not exactly appear to be the case. Another arrival stated that the "rebels" had been dispersed without difficulty and that several of them had been arrested—still it appeared that Paris was in so great a ferment that large bodies of troops had been called out to preserve the peace; and by another vessel, bringing London dates of the 17th of March, we learn that the greatest alarm prevailed in Paris—that the streets were paraded by large parties crying, *Vive la charte, vive la nation, vive Napoleon*. How much of truth there is in all these things, we cannot pretend to say.

It is reported that a secret marriage has taken place between the king of England and a princess of Denmark.

In Ireland, though great outrages were still committed, the strong arm of government was reducing the people to order. Many persons had been tried—a number were executed at once and others immediately put on board transports for New South Wales. For a man to be absent from his home at night, subjects him to transportation. Some riots had taken place in Suffolk and Norfolk, (England); to suppress which the military were used.

The people of the Ionian islands are used with the greatest severity by the British—military law prevails.

Gen. Riego now is president of the Spanish cortes. The state of things is improving. The number of deaths, by yellow fever, at Barcelona, during the last autumn, is reported at more than 10,000—supposed not to have been less than 12,000; about the sixth of all that inhabited it.

The question of war or peace between Russia and Turkey remained undecided, but there are various rumors which render it highly probable that hostilities would commence early in the spring.—A letter from St. Petersburg, dated Feb. 17, says that a declaration of war against Turkey was momentarily expected—an alliance with Prussia is spoken of—the emperor was about to proceed to join the grand army. It now appears to be the belief in England that war is inevitable. A letter from Odessa says, that the Persians had refused the intervention of the British minister, and issued a formal declaration of war against the Turks. A strong report prevails that Ali Pacha of Janina has, at last, fallen into the hands of his enemies, by treachery. He had immense treasures in his possession—it is stated that he will be sent to Constantinople, as that he desired to make some important communications to the sultan. There were at Smyrna, about the 19th of Feb. 9 French, 3 British, and 5 Austrian vessels of war, as squadrons of observation. A Dutch frigate had left the port a few days before. The presence of these ships had had a wholesome effect on the Turks.

Austria is reported to have addressed a circular to all the European courts, declaring in substance, that there shall not be any war, for that she is determined to maintain peace. In this procedure it is believed that she is backed by France and England: But Alexander is increasing his army on the Turkish frontier, and seems resolved to manage his concerns in his own way.

It appears that the Spanish authorities in the West Indies have or are about to authorize the fitting out of privateers for the capture of vessels proceeding to or from the ports and places possessed by the independents.

A vessel has arrived at Callao from New York

wheat flour, which sold for twenty five dollars per barrel, free of duty.

The latest papers mention, that the emperor of Russia has replied to the joint note of Austria and Great Britain, in which he refuses to admit any foreign interference in his affairs with Turkey, and a variety of circumstances are presented that favor the idea of hostilities—which, we now think, have before this time commenced: if so, no one can calculate the consequences. The Greeks are evidently gathering strength and gaining ground.

PORTUGAL The following is given as the extent and population of the Portuguese monarchy:

	square leagues.	population.
Portugal and the Algarves	4,639	3,680,000
Brazil and Guiana	277,000	2,400,000
Madeira and Porto Santo	50	91,200
Azores	147	36,000
Cape de Verdes	53	35,000
Government of Angola	70	75,000
Mosambique	139	60,000
Goa	32	60,000
Timor and Solor	33	15,060
Macao	14	33,800
	282,168	6,486,060

Of the population, about 2,000,000 are slaves—chiefly located in Brazil and Guiana.

The crown revenues are about 20,000,000 dollars per ann. The armed force in Europe is 25,000 men, in Brazil, troops of the line and militia, 50,000. The marine is about eight ships of the line and sixteen frigates, with some smaller vessels.

REMARKABLE LIBERALITY! At a meeting of gentlemen at Dumfries, Scotland, to celebrate the anniversary of the birth day of Robert Burns, the following toast was given by Mr. Harkness: "The health of Washington Irving, the author of the Sketch Book—A transatlantic writer, to whom we are indebted for one of the richest and most varied intellectual repasts which perhaps has ever been served up to the votaries of literature; and who has embalmed his memory in a work, which will flatter his name to after ages in a noble stream of melodious prose."

Retrenchment of Expenses.

Report of the select committee appointed on the 18th of February last, to inquire whether any part of the public expenditure can be retrenched without detriment to the public service, &c. &c.

In the house of representatives, April 15, 1822, read and ordered to lie on the table.

The select committee, appointed to inquire whether any part of the public expenditure can be retrenched, without detriment to the public service, and whether there be any offices or appointments in the government of the United States, which have become useless and unnecessary, and can be dispensed with, report in part:

The first subject which presented itself to the committee, in the discharge of the duties imposed on them by the resolution of the house, was to ascertain, with as much certainty as practicable, the sums properly chargeable upon the revenue by the existing laws.

The next in order, the means of the government to meet those demands.

The public debt, independent of the floating unliquidated demands, is \$93,423,605 73; the interest upon that sum, annually, is \$5,165,248 24.

The stock, composing the debt, and when reimbursable, is shown by the following table:

Deferred six per cent. stock	\$1,525,826 12
Three per cent. stock	13,295,956 04
Six per cent. stock of 1796	80,000 00
Exchanged six per cent. stock	2,668,974 99
Six per cent. stock of 1812	6,187,006 84
Ditto of 1813, (\$16,000,000 loan)	15,521,136 45
Ditto of (\$7,500,000 loan)	6,836,132 39
Ditto of 1814, (\$25 & 3,000,000 loan)	13,011,437 63
Ditto of 1815	9,490,099 10
Treasury note six per cent. stock	1,465,285 47
Ditto seven per cent.	8,606,355 27
Five per cent. stock, (subscription to bank United States)	7,000,000 00
Six per cent. stock of the loan of 1820	2,000,000 00
Five per cent. of ditto	999,999 13
Ditto of 1821	4,735,296 30
	\$93,423,605 73

The above amount of debt is reimbursable as follows:

In 1822 deferred six per cent. stock	\$566,588 75
1823 ditto	602,836 47
1824 ditto	356,400 90
	1,525,826 12
1825 exchanged six per cent. stock	2,668,974 99
six p. ct. of 1812	6,187,006 84
treasury note six p. ct. stock	1,465,285 47
ditto 7 per cent.	8,606,355 27
	18,927,622 57

1826 six p. ct. stock of 1813, (loan of \$16,000,000)	15,521,136 45
Six p. ct. stock of 1813, (loan of \$7,500,000)	6,836,232 39
	22,357,368 84
1827 six per cent. stock of 1814	13,011,437 63
1828 six per cent. stock of 1815	9,490,099 10
1832 five per cent. stock of 1820	999,999 13
1835 five per cent. stock of 1821	4,735,296 30
Stock reimbursable at the pleasure of the government:	
Three per cent. stock	13,295,956 04
Five per cent. stock subscription to bank of the United States	7,000,000 00
Six per cent. stock of 1820	2,000,000 00
Six per cent. stock of 1796	80,000 00
	\$93,423,605 73

In addition to the public debt, as it now stands, there will have to be added, it is presumed, \$5,000,000 of at least five per cent. stock, to discharge the claims against Spain, agreeably to the stipulations with that government, and which is the consideration for the purchase of Florida; which will make the public debt \$98,423,605 73; the interest upon which will be \$5,410,248 24 annually.

The estimates, as furnished by the secretary of the treasury, for the year 1822, stand thus:

Civil, diplomatic and miscellaneous	\$1,664,297 00
Military service, &c.	5,108,097 52
Naval service, &c.	2,452,410 27
To the naval service, add	300,000 00

(part of the \$500,000 for the gradual increase of the navy, not included in the estimate); and, also, The interest on the national debt, as above estimated, (which will be the amount after the year 1822)

\$5,410,248 24

Making the sum of \$14,935,053 03

This estimate is made without allowing one cent to the sinking fund for the gradual discharge of the public debt.

The civil, diplomatic, and miscellaneous expenditures, they believe, are estimated too low, because the foreign intercourse about to be opened between the United States and Portugal, and also with the independent nations of North and South America, will add to the sum at least \$120,000. Although it may be objected, that, in the estimates for the military service, &c. a sum is included for arrearages prior to the first of January, 1817, yet it is believed by the committee, that the deficiencies not included in the estimate in that department, for the year 1821, which amount to 521,836 57 cents, are equal to the arrearages prior to the first of January, 1817. It may also be objected, that part of the estimates for the war department, such as fortifications, are only temporary. To that it may be answered, that, when the fortifications are finished, the expenses will be rather increased than diminished by the additional number of men necessary to man them. It may be further objected, that, in the estimates for the naval service, the sum of \$500,000 is included, which expenditure is also temporary, as the appropriation for that object is to last but five years. The committee are of opinion that the additional number of men and officers, which the navy will then require, in addition to the sums required from time to time to refit and keep in repair the vessels, will make a greater demand from that department upon the treasury than is estimated.

They would further remark, that congress, each session, upon an average, appropriates for temporary purposes, and which cannot be taken into any estimate, a sum equal to \$300,000.

They, therefore, have no hesitation in giving it as the result of their most deliberate opinion, that, according to the now existing laws, the estimate which they have made, of \$14,935,053 03, as a permanent charge upon the revenue is not too high.

The committee will now proceed to the consideration of the means of the government to meet the current demands against it. The estimates given by the secretary of the treasury are as follows:

Customs	\$14,000,000
Public lands	1,600,000
Bank dividends	350,000
Arrearages of direct tax and internal duties	75,000
Moneys recovered out of advances made in the war department before the 1st of July, 1815	60,000
Incidental receipts	25,000
Making	\$16,110,000

The committee are apprehensive that the customs will not be as productive as by some have been supposed, and by others confidently predicted. For the year 1821, the receipts from the same source amounted to \$12,968,915 15.

Why, then, this increase in the estimates? It is a fact, well ascertained, that the exports of domestic articles for the year 1820, amounted to \$51,684,000, and that the exports of the same articles for the year 1821, amount to but \$43,671,894. Although the amount of imports may have an apparent increase, yet it may be considered as an axiom in political economy, that the imports never can be considered as increasing, when, at the same

time, there is a falling off of the exports; and if in any one year the imports shall appear to increase, when the exports, instead of a correspondent increase, are actually diminished, we ought to attribute it either to an excrement upon the regular operations of trade, or that the imports were intended for exportation again. That the excess in the importations for the year 1821 was owing to an intention of re-exporting part of the same goods, is now manifested by the fact that the debentures will greatly exceed the estimate of the treasury department. They can, therefore, see no reason why the estimate for 1822 ought to exceed the amount received from the same source in 1821; but suppose that the customs shall yield, for a series of years, \$14,000,000—and beyond that sum it would be entirely unsafe to estimate them; because, although the nation is increasing in population and wealth, yet, with feelings of pride, it ought to be recollected that she is rapidly increasing in her domestic manufactures, and, as far as they are consumed, so far will the foreign fabrics be thrown out of market, and part of the exports be turned into the channels of domestic trade by way of barter.

The duty arising from sugar imported, will be greatly diminished, if not, in a few years, entirely cut off, by the use of the sugar of Louisiana and Florida. The estimate for the year 1822, of 1,600,000 dollars from the public lands, they flatter themselves will be realized, owing to the discount of thirty-seven and one half per cent. which is offered to the debtors for public lands who shall pay by September next. All who do not avail themselves of the discount offered for prompt payment, will accept the credit given by the act of 1821. From this circumstance it is believed, that, as a permanent source of revenue, after the year 1822, one million per annum would be a high estimate. The resource of public lands cannot be considered as entirely a permanent one, and they very much deprecate the policy of throwing so much land into market, and hope, for the future, it will not be pursued beyond the limits of the present states and territories. The policy is ruinous to the western country, by draining it of all the precious metals, and consequently embarrassing its circulating medium. The origin of all the pecuniary difficulties of the west may be traced to this cause. The impolicy of the measure is again made manifest, by dispersing the population over too great an extent of territory, by which means there is great danger that the government, at a day not distant, if the policy be not checked, will fall to pieces by its own unwieldiness, and consequent imbecility. The administration of such a government can never be felt to the extremities of the empire. This system of measures keeps up an irritated state of feelings between the Indian tribes and the people of the United States; besides, humanity forbids the driving those unfortunate people to the ends of the habitable earth; at the same time, self-respect ought to restrain the United States from amusing and gulling them and the world, about, in point of practice, the unmeaning word of civilization.

In the estimate of the bank dividend of 350,000 dollars, on what data the secretary went in making that estimate they know not, as the bank has never yet averaged four per cent. per annum. The items in the estimate of seventy-five, sixty, and twenty five thousand dollars, are not of a permanent character.

Suppose, then, the estimate of a permanent nature should stand thus:

Customs	\$14,000,000 00
Public lands	1,000,000 00
Bank dividends	350,000 00
	15,350,000 00
The estimates of the committee, as a permanent charge upon the revenue	14,935,053 03
Balance in favor of the revenue	\$414,946 97
Which balance is scarcely sufficient to relieve the treasury from its immediate embarrassments, and meet the unforeseen contingent expenses of government. To talk of the present resources of government, encumbered with the demands as now authorized by law; and, also, the present embarrassments of the treasury, which will be more particularly noticed hereafter, as being sufficient to operate at all upon, much less redeem, within a reasonable time, the public debt, is the veriest delusion that any enlightened people ever fell into, and nothing could keep it up but a reluctance at parting with any of the expenditures of government. The conclusion of the committee, of the inadequacy of the present revenue, encumbered with the existing demands, is confirmed by the melancholy fact, that, in 1820, the public debt was \$89,112,916 63; in 1821, \$91,294,416 51; in 1822, \$93,423,605 73.	
The committee regret to find the treasury not in as flourishing a situation as the president supposed, in his message to both houses of congress at the opening of the session. It is true that, on the first of January, 1822, there was a supposed balance in the treasury of	\$1,777,648 58
Which is part of the loan of 1821, and no part of the permanent revenue of government.	
That sum, nevertheless, is to be subjected to the following deductions	226,135 83
The estimate of the quarter ending the 31st of Dec. 1821, being estimated too high by that amount.	
Deficiencies in the Indian and pension department for the year 1821	521,886 57
Unavailable funds in the treasury	842,159 60
	1,590,182 00
Leaving only	\$187,466 58
This sum of \$187,466 58, is all that is, in reality, left to discharge the balance of appropriations for the year 1821, which must be required, and which amounts to	2,268,611 28

Leaving a balance of \$2,081,144 70 which must remain a charge upon the revenue of 1822.

From the previous part of this report, these three conclusions are clearly deducible:

First That the present resources of the government are scarcely equal to the authorized and current demands upon the treasury, without operating upon any part of the principal of the public debt.

Secondly. That the treasury, after deducting the deficiencies for the last year, the over estimate for the quarter of the year ending 31st of December, 1821, the amount of unavailable funds, and the ba-

lance of appropriations, as above stated, which will be required, is in arrear \$2,081,144 70 for the year 1821, which sum must be charged upon the revenues of 1822.

Thirdly. That the public debt now amounts to \$93,423,605 73, and will shortly amount to \$98,423,605 73.

The question comes fairly before the nation, what disposition shall be made of the public debt? Shall we go on and make the experiment, and solve the question long agitated among politicians—is a national debt a curse, or a blessing? The committee, however solicitous some may be to try the experiment, and leave to the silent operations of time the solution of the proposition, are unanimously of opinion that every effort, within the power of the government, and which would not be extremely prejudicial to the interest of the people, should be made to redeem the public debt as soon as possible.

A national debt creates, in the persons of the stockholders, a proud, haughty aristocracy, in their manners extremely offensive, and ever destitute of that kind of patriotism and love of country that would sacrifice their pecuniary interest for that of the nation. It creates a body of men whose interest is separate and distinct, and at war with that of the great mass of the people, and who have an undue influence upon the administration of government. The stock contributes nothing to the support of government, when every other kind of property does. The balance of the nation, as we see by an example in Great Britain, become the slaves, the hewers of wood, and drawers of water, for the stockholders. Already have the people of the United States paid to the stockholders, on the score of interest, \$119,489,394 84.

Money has been emphatically denominated the sinews of war. A payment of the public debt in times of peace, is a much better and more pleasing preparation for war than armies, fortifications and navies. It puts public credit upon a better footing, and, in another war, loans can be more advantageously obtained. In every war, the nation may be engaged in—and an exemption from that scourge of mankind is not to be expected—a resort must be had to loans. The consequence will be that, if the public debt is not paid off in times of peace, and additions made to it in times of war, the payment of the interest will become an insupportable burthen.

In 1816, a sinking fund was created of ten millions. It is believed by the committee, that, unless commerce is much more prosperous than can be anticipated, that with the most rigid economy practicable, consistent with keeping up the necessary establishments of government, and without resorting to the aid of internal duties and taxes, the government cannot set apart ten millions of her revenue on account of the public debt, and that, instead of ten, eight millions will be the extent; but whatever the amount of the sinking fund may be, the same should not be nominal, but real, and held inviolate, and never touched for any other purpose. The people would thereby have certain assurances, that the national debt would be discharged within a given time. The full operation of a sinking fund of eight millions, would redeem the public debt in 1842, by extinguishing first the six per cent. stock until the seven shall become reimbursable, and then operate upon the stock bearing the highest interest first, computing the three per cent. stock at two thirds the nominal amount. In this estimate the

stock which will be created on account of the purchase of Florida is included, and the stock due the bank of the United States excluded, because the stock which the government has in bank, will always be equal to the like amount of five per cent. stock due the bank.

From the facts exhibited in this report, and the conclusions deduced therefrom by the committee, these questions necessarily occur.

First, has the government the means of creating and keeping up a sinking fund of eight millions, and if she has, what are those means?

Some politicians have supposed that at the end of each fiscal year, there will be an unexpended balance of appropriations which will be required in the year succeeding, and that the same will average from year to year one million and a half of dollars; that the government can consider that sum as a bank would her deposits, and carry the same to the credit of government for the succeeding year. The amount of unexpended balances, which will be required to meet the object of appropriations, depends so much upon unforeseen events, and contingencies, (some years the appropriations are deficient, other years when the government has a full treasury, and appropriates liberally, the balance may be considerable), as, in the opinion of the committee, to render that sum too unsafe and precarious to be calculated upon.

The means within the control of government are not temporary loans, as a late short-sighted policy seem to indicate, but they are, first, a new modification of the tariff of duties; secondly, retrenchment in the expenditure of government; thirdly, internal, direct and indirect taxation.

In relation to the first question proposed, the committee decline going into the question with any other view than that of revenue; they do believe, that an additional duty upon woollen manufactures, and that a diminution of the duties already imposed upon articles, particularly cotton, imported from countries beyond the Cape of Good Hope, would increase the customs; besides, should the whole tariff be revised with no other view than that of revenue, they have no doubt but that the same could be made much more productive. As it respects the second proposition, to wit: a retrenchment of the expenditures of government, the committee disclaim all intention of cutting down and destroying any one useful or necessary establishment of government; but at the same time that they make this declaration, they have no hesitation in saying, that, from the best investigation they can give the subject, that such retrenchments can be made in the public expenditures, as will save to the treasury, annually, near two millions of dollars, and not impair or weaken any of the permanent establishments of the government; but, on the contrary, give it renewed health and vigor, like cutting away the dead timber from a forest of young trees. If there be any one feature in the administration of the different governments of the earth, more uniform, more alike, and more inveterate than any other, it is the continued disposition to increase the expenses of government, and an unwillingness to retrench; the cause is very obvious: those in power are disinclined to part with any of the emoluments of office. Even should not much be saved by efforts towards retrenchment, yet a check to the present disposition of government to increase the expenditures thereof, is gaining a great point. Fabius, the Roman dictator, and Washington, both thought, and so did their

countries, that to prevent the enemy from gaining a victory, was to obtain one themselves.

The committee in this report, decline going into the several subjects of the retrenchment, which they intend to propose; because each distinct subject will form the basis of a separate report and bill.

The third subject proposed in this inquiry, as forming a part of the ways and means of government, is a resort to a system of internal, direct, and indirect taxation; this mode of raising and collecting a revenue is at all times to be avoided by government, unless the most imperious necessity requires it, such as war, when the other resources of government are to a great extent cut off. In the imposition of internal direct taxes, only such objects can be selected as are visible, and, to a certain extent tangible, it consequently falls principally upon the agricultural part of the country, and the great moneyed capitalists escape its operation. Owing to that clause in the constitution which compels congress to apportion direct taxes according to the representation; it falls unequally upon the different states, some paying three times as much upon the hundred dollars as others; again, the collection of that kind of revenue is odious and oppressive, because, there is no choice left to the people, whether they have the means of payment or not, as there is in the duty collected from the consumption of goods, and nothing is so consoling to the feelings of a man, as to have or seem to have the right to elect whether he will pay the tax or not.

The very collection of that kind of revenue is vexations in its operation, by introducing into the domestic circle of a man, the rude and not unfrequently fraudulent tax-gatherer; moreover, internal taxation is the only source of revenue left to the states to support their respective governments; and common justice towards them forbids a resort to this kind of revenue, until every other means shall fail; besides, two sets of tax gatherers at the same time collecting from the people, renders it difficult for them to know how much they owe to each government, and greatly increases the facilities which the collectors of the revenue too frequently avail themselves of, to practice frauds and impositions in their collections. Another reason, which has great weight with the committee, is, that it costs the solvent man more to get his contribution in that way into the public treasury, than any other mode of collecting a revenue ever resorted to by the United States. From an inquiry at the treasury department, it is ascertained that the gross amount of the direct tax, since the formation of the government, is \$14,029,997 60; the payments into treasury from the same source, is \$12,626,813 50; from which deduct \$672,516 27 for the expenses of collection, which leaves a balance of 11,954,297 23; this result shews that from former experiments, it has cost the man who did pay, \$14 78 for each \$100, that reached the treasury. the gross amount of internal duties for the same period, is \$25,015,720 43; the amount received from the same sources, is \$21,957,061 14; the expenses of collection 2,105,317 78, which, deducted from the amount received, leaves \$19,851,743 16; the per cent. is \$20 64. The above calculations include insolvencies of individuals, defalcations of officers, and all the expenses of collection.

It is probable that some of the outstanding debts and dues may yet be collected, but it is believed the amount will be trifling.

The gross amount of customs for the same period, is \$494,933,179 11; the expenses of collection are \$14,356,833 97; making \$2 90 upon each hundred dollars. In 1819, an estimate was made of the amount of revenue bonds due, and the whole amount was equal to forty-five cents upon the hundred dollars of the gross amount of the customs, the greater part of which bonds are considered recoverable; since 1819, the revenue bonds due and unpaid, have not increased in a greater proportion.

The foregoing considerations induce the committee to believe, that it would be unwise and impolitic to resort to the ways and means of internal duties and taxes for the support of government, and redemption of the public debt, at this time, when every object of government can be answered without it.

The committee cannot, in justice to themselves, conclude this report without bringing to the view of the house the former operations of this government, under the administration of presidents Jefferson and Madison. In 1801, at the commencement of Mr. Jefferson's administration, the public debt was \$83,038,050 80; the whole amount of revenue for that year was \$12,846,530 95, and from that period up to the year 1812, inclusive, \$48,254,675 01, of the principal of the public debt was redeemed without resorting to internal, direct, or indirect taxation, and with a commerce embarrassed and trammelled by embargoes, restrictions, and non-intercourse, French, Berlin, and Milan decrees, and British orders in council; and at the same time deriving little or no aid from the sale of public lands, and a very inconsiderable sum from loans, except, the loan of 1812, which was obtained to enable the government to prepare for war. It has been said by some, that the government can, without any material alteration in her present ways and means, meet her current expenses, as now authorized by law, and within a period, not very remote, pay off the national debt; to support this position a reference is made to the amount paid since the war; the public debt in 1816, was \$123,032,782 62, which is the highest point to which it ever arrived; at the same time there might be a floating debt, such as arrearages due the army, &c. The reason of this operation upon the national debt is obvious; the government had at that time extraordinary means; the proceeds of the war taxes and duties; also, an unexpended balance of the loans of 1815 and 1816; the excessive importations immediately after the war, made the receipts of the treasury, from customs alone, in 1816, \$36,000,000, when they had only been estimated at \$25,000,000.

In conclusion, the committee submit to the house the following resolutions:

Resolved, That the policy of resorting to loans, for the support of government in times of peace, is unwise and inexpedient.

Resolved, That this government owes it to the people to take efficient measures for the redemption of the public debt.

Resolved, That the resources of this nation are such as to render unnecessary a resort to a system of internal, direct and indirect taxation.

Resolved, That this government ought to adopt such a system of retrenchment as will dispense with useless expenditures, and bring the pay and salaries of the officers of government to what they were during the administration of former presidents.

Resolved, That the tariff ought to be new modified with a view to revenue.

HOUSE OF REPRESENTATIVES--APRIL 20.

Mr. Hardin, from the committee on retrenchment, made the following report, accompanied by a bill, reducing the compensation of senators, representatives, and delegates, of territories, to dollars per day; also of the clerks, messengers, &c. of

the house, which was committed to the whole house.

The select committee, to which was referred a resolution of this house directing an enquiry to be made whether any part of the public expenditures can be retrenched without detriment to the public service, and whether there be any officers in the government of the United States which have become useless and unnecessary, and can be dispensed with, report in part,

That from the best estimate they could make, as to the average expenses of both houses of congress, taking one session with another, and allowing each session to be as long as the sessions of the 16th congress, the same will stand thus or nearly so;

Pay and mileage of the members	\$336,975 90
Salaries of clerks &c.	17,100, 00
Salaries of door-keepers, sergeant of arms &c.	9,000 00

363,075 90

The committee propose to reduce the pay and mileage of the members to six dollars per day, and six dollars for every twenty miles travel; also, the pay of the clerk of the house of representatives and secretary of the senate to \$2000 each; the principal deputy of each house to \$1500, and the other deputies to \$1200; the door-keeper and their assistants, and the sergeant at arms of each house to six dollars a day during the session of congress; and to each door-keeper for taking care of that part of the capitol, not set apart for the use of congress, \$200 in addition. If these reductions proposed shall be made, it will lessen the expenditure for the legislative department, about \$90,000 annually, and after the 17th congress, the reductions will be equal to near \$100,000. The committee, in proposing to reduce the expenses of the legislative department, are influenced by several considerations. They are decidedly of opinion that nothing can save the nation from a system of internal taxation, but retrenchment in the public expenditures, and a return of good old principles, which for some years past have been lost sight of. The pay of congress from the formation of government until a few years ago, was what is now proposed by the committee, and money is now worth as much as it has been at any period within the last twenty or thirty years. It may be objected that a reduction of the pay of the members will drive all those who are not wealthy out of congress; to that it may be answered that the former experience of the government, in operation before the compensation was raised, prove the contrary; for the best talents in America, since the formation of this government, have been procured, and ambitious of a seat in congress; besides money cannot be the object of any man in accepting a seat in congress, an indemnity is all he can or ought to expect. It has been alleged by some that the pay of the members should be so high as to make them entirely independent of the influence of executive patronage; if there be any thing in that argument, this answer may be given, that the committee are fearful that eight dollars a day would not answer the desired purpose: without going further into the discussion of this question, the committee are unanimously of opinion in the great and good work of retrenchment, congress ought to be the first to set an example to the balance of the nation, and begin with themselves; they therefore to effectuate the objects pointed out in this report, submit to this house the following bill. [Here follows the bill]

The above was read an ordered to be printed.

Laws of the United States.

AN ACT to authorize the secretary of the treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That a subscription to the amount of twelve millions of dollars, of the seven per cent. stock, and of the six per cent. stock, of the year eighteen hundred and twelve, and also, for fourteen millions of the six per cent. stock of the years eighteen hundred and thirteen, fourteen, and fifteen, be, and the same is hereby proposed; for which purpose, books shall be opened at the treasury of the United States, and at the several loan offices, on the first day of May, one thousand eight hundred and twenty-two, to continue open until the first day of July next thereafter, for such parts of the above mentioned description of stocks as shall, on the day of subscription, stand on the books of the treasury, and on those of the several loan offices, respectively, which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

Sec. 2. *And be it further enacted,* That for the whole, or any part, of any sum, which shall be thus subscribed, of the six per cent. stocks of the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen, credits shall be entered to the respective subscribers, who shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the thirtieth day of June, one thousand eight hundred and twenty two, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption at the pleasure of the United States, in the proportion, and at the periods herein defined, viz: one third at any time after the thirty first day of December, one thousand eight hundred and thirty; one third at any time after the thirty-first day of December, one thousand eight hundred and thirty-one; and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-two; and that for the whole, or any part, which shall be thus subscribed, of the seven per cent stock, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the U. States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed bearing an interest of five per cent. per annum, payable quarterly, from the thirtieth day of June, eighteen hundred and twenty two, transferable in the manner as is provided by law for the transfer of the stock subscribed, and subject to redemption at the pleasure of the United States, at any time after the thirty first day of December, one thousand eight hundred and thirty-three: *Provided,* That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the secretary of the treasury to cause to be

re transferred to the respective subscribers, the several sums by them subscribed, beyond the amount of the certificates of five per cent. stock, issued to them respectively.

Sec. 3. *And be it further enacted,* That if the amount of seven and six per cent. stocks, authorized to be subscribed by the first section of this act, shall not have been subscribed by the first day of July next, the remainder of that amount may be subscribed on the books of the treasury, at any time between the said first day of July, and the first day of October next thereafter; and for the whole, or any part, of any sum which shall be thus subscribed, of the six per cent. stocks of the years eighteen hundred and twelve, eighteen hundred and thirteen, eighteen hundred and fourteen, and eighteen hundred and fifteen, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the 30th day of September, one thousand eight hundred and twenty-two, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, in the proportion, and at the periods, herein defined, viz: one third at any time after the thirty-first day of December, one thousand eight hundred and thirty; one third at any time after the thirty-first day of December, one thousand eight hundred and thirty-one; and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-two; and that, for the whole or any part which shall be thus subscribed of the seven per cent stock, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-two, transferable in the manner as is provided by law for the transfer of the stock subscribed, and subject to the redemption at the pleasure of the U. States, at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided,* That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such reimbursement.

Sec. 4. *And be it further enacted,* That the same funds which have heretofore been, and now are, pledged by law for the payment of the interest, and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied and paid, out of the said fund, yearly and every year, such sum and sums as may be annually wanted to discharge the interest accruing to the stock which may be created by virtue of this act. The said commissioners are hereby authorized to employ, from time to time, such sum and sums out of the

said fund as they may think proper, towards redeeming, by purchase or reimbursement, in conformity with the provisions of this act, the principal of said stock. And such part of the said annual sum of ten millions of dollars, vested by law in the said commissioners, as may be necessary and wanting for the above purposes, shall be and continue appropriated [appropriated] to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act shall have been redeemed or reimbursed.

Sec. 5. *And be it further enacted*, That nothing in this act contained shall be construed in anywise to alter, abridge, or impair, the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

PHILIP P. BARBOUR,

Speaker of the house of representatives.

JOHN GAILLARD,

President of the senate pro tempore.

Washington, March 20, 1822.—Approved:

JAMES MONROE.

An act supplementary to an act, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That all purchasers, and every legal holder of any certificate of the purchase of the public lands of the United States, who were entitled to, but who have not availed themselves of any of the provisions of the act of congress of the second of March, one thousand eight hundred and twenty one, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty," be allowed, at any time on or before the thirtieth day of September, one thousand eight hundred and twenty two, to surrender their certificates of purchase, to accept, and, on filing such acceptances, shall be entitled and subject to such of the provisions of the aforesaid act, as apply to cases where complete payment may be made of any tract of land prior to the thirtieth day of September next.

Sec. 2. *And be it further enacted*, That all purchasers, and every legal holder of any certificate of purchase of the public lands of the United States, who may not have accepted any of the provisions of the aforesaid act of March the second, one thousand eight hundred and twenty one, or who may not avail themselves of the provisions of the first section of this act, be permitted, at any time prior to the thirtieth day of September next, to file their acceptances, and surrender their certificates of purchase, and shall be entitled to all the benefits and subject to all the provisions of the aforesaid act of March the second, one thousand eight hundred and twenty-one, which relate, in any manner, to relinquishment and classification, and to the extension of the time of payment by instalments, and the proceeding in relation thereto, in the same manner as if such acceptances had been filed on or before the thirtieth of September last.

Sec. 3. *And be it further enacted*, That all purchasers, and every legal holder of any certificate of purchase of the public lands of the United States, who may have filed their acceptances and surrendered their certificates of purchase, and accepted the provisions of the aforesaid act of March second, one thousand eight hundred and twenty-one,

which relate to payments to be made by instalments, be permitted, notwithstanding their acceptances heretofore filed, to make complete payment on any tract of land, or on or before the thirtieth day of September next, and shall be entitled to the discount provided for by the fourth section of the aforesaid act.

Sec. 4. *And be it further enacted*, That it shall be the duty of the registers and receivers of the several land offices of the United States to perform the duties prescribed by, or necessary to carry into complete effect the provisions of this act, according to the forms and instructions heretofore given by the treasury department, to keep full and faithful accounts and records of all proceedings under the same, in the manner prescribed by the eighth section of the aforesaid act, to make report of the same to the treasury department, within the term of three months from the thirtieth of September next, and shall receive as compensation for like services, the fees provided for by the seventh and eighth sections of said act.

Sec. 5. *And be it further enacted*, That every tract of land which would have been forfeited from a failure to file an acceptance and to surrender the certificate of purchase on or before the thirtieth of September, one thousand eight hundred and twenty one, be, and the same is hereby, exempted from forfeiture and sale until the thirtieth day of September next, and no longer.

Washington, April 20, 1822—Approved.

Seventeenth Congress—first session.

IN THE SENATE.

April 19. The following message was received from the president of the United States, by Mr. Gouverneur, his private secretary.

I communicate to the senate copies of sundry papers, having relation to transactions in East and West Florida, which have been received at the department of state since my message to the two houses of congress of the 23th of January last, together with copies of two letters from the secretary of state upon the same subject.

JAMES MONROE.

Washington, 18th April, 1822.

The message was read, and, with the accompanying documents ordered to be printed.

The senate then resumed, as in committee of the whole, Mr. Chandler in the chair, the consideration of the appropriation bill for the civil list; the question being on the amendment proposing to extend to the military appropriation bill heretofore passed, the provision prohibiting the payment of the salary of any person while he shall appear to be in arrears to the United States. The amendment to the provision was adopted without a division.

A general debate then followed on the merits of the proviso, in the annual lists of balances reported, and were much dwelt upon—but these were not regarded as evidences of debt. The difficulties of effecting settlements were spoken of, and it was thought by some that the provision would bear hard upon many worthy persons, not indebted to the United States, though charged as defaulters. The yeas and nays were called several times on different amendments proposed—and, at length, the bill was laid on the table.

April 20. The senate, in committee of the whole, resumed the consideration of the general appropriation bill.

Mr. Talbot moved to insert in the bill an appropriation of 9000 dollars, for repairing the national road from Cumberland to Wheeling, on which motion a brief debate took place.

Mr. Barbour indirectly opposed the appropriation—he believed it would not succeed and would only delay the passage of the bill. Messrs. Talbot, Lloyd, Holmes and Ruggles advocated it, and the motion was agreed to,—ayes 21 noes 10.

The bill was further considered and finally reported to the senate—when much debate took place on the general subject of restricting payments to persons in arrears with the United States—the yeas and nays were frequently taken, on different propositions to amend, &c. At length, the bill was ordered to a third reading.

April 22. The senate took up in committee of the whole, Mr. King, of Alab. in the chair, the bill from the house of representatives, supplementary to the acts of 1818 and 1820, allowing pensions to revolutionary soldiers, &c.

[The object of this bill was to restore persons to the pension roll who had been struck off under the act of 1820, &c.]

The committee had reported the same with a recommendation that it should be indefinitely postponed—after debate the yeas and nays were taken as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown, of O. D'Wolf, Edwards, Findlay, Gaillard, Holmes, of Miss. Johnson, of Lou. King, of Alab. Lloyd, Lowrie, Macon, Noble, Pleasants, Smith, Stokes, Talbot, Taylor, Thomas, Walker, Ware, Williams, of Miss. Williams, of Tenn.—26.

NAYS—Messrs. Chandler, Dickerson, Holmes, of Me. King, of N. Y. Knight, Lanman, Morrill, Palmer, Parrott, Ruggles, Seymour, Van Buren.—12.

So the bill was rejected.

The bill to provide for the selection of a site for a national armory on the western waters, and the bill making appropriations for the support of government for the year 1822, were read a third time and passed.

The remainder of the day was chiefly spent in considering the bill making appropriations for the support of the navy, for the present year—nothing of importance decided.

April 23. Several private bills were considered and ordered to be read a third time.

The bill relating to treasury notes, and the bill to repeal the act concerning vaccination, were received from the house of representatives, severally twice read, and referred.

The senate spent some time on executive business; and then

Adjourned.

April 24. Several bills were read the third time and passed.

Mr. Dickerson, from the committee on commerce and manufactures, delivered in the following report; which was read and ordered to be printed:

The committee of commerce and manufactures, who were instructed to inquire into the expediency of prohibiting the importation of foreign spirits, report:

That, in their opinion, the agricultural as well as manufacturing interest of the United States would be promoted by prohibiting the importation of foreign spirits. That the quantity of spirits that would in a short time be manufactured in this country, to supply the place of that now imported, would afford a source of revenue more efficient, and much less precarious than that now derived from the importation of foreign spirits. But, as an immediate prohibition would injure the commercial interest of the United States, as well as diminish the revenue, until a system of excise

could be brought into operation, the committee think it would be expedient to arrive gradually at the objects in view, by increasing the duties on foreign spirits. A bill, however, for this purpose, must be considered as a bill for raising revenue, and can only originate in the house of representatives. The committee therefore submit the following resolution:

Resolved, That the committee of commerce and manufactures be discharged from the further consideration of the resolution instructing them to inquire into the expediency of prohibiting the importation of foreign spirits.

The senate took up the message from the house of representatives, announcing the non-concurrence of that house in certain of the amendments made by the senate to the civil-list-appropriation bill.

From some of the amendments the senate receded, and insisted on others, which shall be noticed in their progress.

The senate resumed the consideration of the navy appropriation bill,

Which, on motion of Mr. King, of N. Y. was re-committed to the committee on finance—ayes 23, noes 15.

And the senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 19. The speaker laid before the house a communication from the treasury department, in relation to the sales of public lands, stating that certain information on that subject, required by a resolution of this house, cannot, for want of time to obtain it, be furnished before the close of the present session of congress; which was ordered to be laid on the table.

The bill from the senate, supplementary to the act to set apart and dispose of part of the public lands to encourage the cultivation of the vine and olive, was read a third time; and, after considerable opposition, was passed.

The house resolved itself into a committee of the whole on the state of the union, (Mr. Condict in the chair), on the bill making further appropriations for the support of the military establishment of the United States, for the year 1822.

The question recurred upon striking out the appropriation for the erection of fort Calhoun, on the Chesapeake.

A long and ardent debate followed—in the course of which it appeared as if the chief clerk in the war department might have had something to do with certain of the contracts; if so, we shall soon hear more about it.* In the course of the discussion, the report of what is called the retrenchment committee was several times alluded to. Messrs. McDuffie and Smith, of Md. spoke of certain errors which they thought it contained; and Messrs. Hardin and Whipple supported the truth of the statements. The committee rose without coming to any decision, and the house adjourned.

Saturday, April 20. Mr. Hardin, from the select committee heretofore appointed on the subject of retrenchment of the public expenditure, made a further report thereon, accompanied by a bill. [The report is inserted at length in page 139.]

The bill was made the order of the day for Monday next.

Another motion to print extra copies of the report of the committee on retrenchment failed.

The house resolved itself into a committee of the whole on the state of the union, (Mr. Condict

* This matter, as connected with the contract of E. Mox, is referred to a committee. See Monday's proceedings.

in the chair), on the bill making further appropriations for the military service of the United States, for the year 1822.

The question recurred upon striking out the appropriation for the erection of fort Calhoun, on the Chesapeake, and the same was put and negatived by a large majority.

Mr. Butler made an ineffectual motion to add a clause, providing that no part of the appropriation should be applied to a certain contract with Elijah Mix—on the ground that the contract had been frequently recognized, &c.

The appropriation for fortifying Mobile Point being under consideration,

Mr. Cocke moved to strike out the section, and to insert in lieu thereof an appropriation for the specific purpose of collecting materials for that fortification. The principle on which he preferred a specific application was, that the money heretofore appropriated for the fortification at Mobile Point, had not been applied to that object, but had been transferred to colonel Gratiot, at Norfolk, and he referred to documents on the subject.

This produced much debate, and a great deal was said in explanation of the matter. The amendment was adopted. The sum was also reduced from 50,000 to 50,000 dollars.

Some further progress was made in the bill, when the committee rose, &c. and the house adjourned.

Monday, April 22. After other business, to be noticed in its progress—

Mr. Hardin, from the select committee on the subject of retrenchment, reported, in part, a bill, the object of which is to reduce the revolutionary pensions, for all grades of rank, from and after a given day in the year 1824, to \$4 per month.

The bill, (which, Mr. H. computed, would, if passed, effect a saving of 900,000 dollars for the first year it got into operation, and proportionably thereafter), was twice read and committed—Mr. Hardin giving notice of his intention to call up this bill, and the one previously reported by the same committee, on Wednesday next.

Mr. Buchanan presented a resolution of the legislature of Pennsylvania, instructing its senators and requesting its representatives to endeavor to procure the passage of a law for vesting in that state any right which the United States have, or may be supposed to have, in the fines assessed on the militia of that state; and the resolution was referred to the committee of this house appointed on the same subject.

Mr. Warfield moved the following:

Resolved, That a committee be appointed to report the best mode, in their opinion, of giving to the public a full and correct statement of the debates in this house.

And the question being taken thereon, it was agreed to without debate or opposition.

Mr. Butler submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the contract between the war department of the United States, and Elijah Mix, of the 25th July, 1818, to report whether the same was made in pursuance of law, and whether the said Mix has performed his covenant, and such other facts as they may deem proper relative to said contract.

In offering this resolution, Mr. Butler remarked, that he discovered, on consulting the documents on this subject, that, according to the contract, there was due to the United States the delivery of 150,000 perch of stone, on the 1st January last, and that, on that day, there had been actually delivered only 102,437 perches: so that the contract had not been fulfilled on the part of Mr. Mix, and was no longer binding on the United States. Besides, he

said, there were, to say the least, suspicious appearances about this contract. No proposals for this contract were publicly invited by advertisement or otherwise. It was said, too, that Mr. Mix had sold out his contract at a dollar and a half per perch; and Mr. B. said he observed, from the account of contracts laid before the house, that a contract had actually been made by the government at Philadelphia, for stone, to be delivered at the Pea-Patch, for a dollar and a half per perch, whilst three dollars per perch was paid to Mix. Taking the time, place, and manner of the contract into consideration, and the default of the contractor to fulfil his engagements, he had thought proper to submit this resolution. No appropriation that is made at this session, Mr. B. contended, ought to be expended under that contract.

Mr. McDuffie expressed his satisfaction at this course—he was pleased with a direct inquiry: he was authorized to say that the contract with Mix had been a great saving to the United States, &c.

The committee was empowered to send for persons and papers, and the resolution agreed to.

Mr. Burton called for the consideration of the bill to repeal the existing law for the encouragement of vaccination, and the motion to take it up was agreed to. [And the bill was ordered to be engrossed for a third reading.]

The speaker announced a message from the senate, informing the house that they insist upon their amendment to the bill for paying to the state of Missouri three per cent. of the nett proceeds of the sales of public lands in that state. Whereupon, the house determined to insist on its disagreement to said amendment; and a committee of conference was ordered to be appointed on the part of this house.

The house then resolved itself into a committee of the whole on the state of the union, (Mr. Condict in the chair), on the bill making further appropriations for the support of the military establishment of the United States, for the year 1822.

Much debate followed—several amendments were offered, some of which prevailed. The committee rose and had leave to sit again.

Tuesday, April 23. The committee on Mr. Warfield's resolution, respecting the publication of debates in congress, consists of Messrs. Warfield, Mercer, Jones of Tenn. Gorham, and Jones of Va.

The committee on Mr. Butler's resolution, respecting Mix's contract for stone, &c. consists of Messrs. Butler, Metcalfe, and Campbell, of Ohio.

The committee of conference on the Missouri (nett proceeds of three per cent. stock) bill, is composed of Messrs. Rankin, Taylor, and Mercer.

Certain private bills were variously disposed of.

An engrossed bill relating to treasury notes, was read a third time, and passed, and sent to the senate.

The engrossed bill to repeal the act to encourage vaccination, was also read a third time.

A long debate followed. It appeared that the agent had been dismissed by the president for mismanagement, but the question was on the propriety of continuing the agency. It seemed that the late agent had drawn about 45,000 dollars from various quarters by his agency, and the good of all this was doubted by some, while others contended that great benefits had flowed from the establishment.-- At length—

The question recurred on the passage of the bill, and was decided as follows:

YEAS—Messrs. Alexander, Archer, Barber, of Conn. Bassett, Baylies, Bayly, Blackledge, Blair, Breckinridge, Brown, Burrows, Burton, Butler, Cambreleng, Campbell, of N. Y. Campbell, of Ohio, Cannon, Comely, Chambers, Crocky, Conkling, Cotner, Cradup,

Cushman, Dane, Darlington, Dennison, Dwight, Edwards, of Conn. Edwards, of N. C. Eustis, Findlay, Floyd, Garnett, Gilmer, Gist, Gross, Hall, Hardin, Harvey, Hill, Hobart, Holcombe, Hooks, Hubbard, F. Johnson, J. T. Johnson, Jones, of Ten. Keyes, Letts, Long, McCarty, McLane, McNeill, McSherry, Matson, Mattocks, Metcalfe, Mitchell, of Penn. Moore, of Penn. Moore, of Alab. Murray, Nelson, of Mass. New, Overstreet, Patterson of Penn. Phillips, Pierson, Pitcher, Plumer of N. H. Plumer of Penn. Rankin, Reed of Mass. Reid of Geo. Rich, Rochester, Ross, Russell, Sanders, Sawyer, Arthur Smith, Alex. Smyth, J. S. Smith, Stevenson, Stewart, Swan, Tattnall, Tomlinson, Tucker of S. C. Tucker of Va. Upham, Van Rensselaer, Van Wyck, Walker, Walworth, Whipple, Williams of N. C. Williams of Va. Wilhamson, Wood, Woodson, Worman.—102

NAYS—Messrs. Baldwin, Ball, Barber, of Ohio, Bigelow, Buchanan, Colden, Condict Cook, Crafts, Cuthbert, Durfee, Eddy, Edwards, of Penn. Farrelly, Gubbard, Hawks, Hendricks, Jackson, Kent, Lathrop, Lincoln, Litchfield, McCoy, Mallory, Mereer, Milnor, Mitchell, of S. C. Montgomery, Moore of Va. Morgan, Nelson, of Md. Nelson of Va. Newton, Patterson of N. Y. Poinsett, Reed, of Md. Rhea, Rogers, Ruggles, Ross, Scott, Sergeant, Sloane, S. Smith, Sterling of Conn. Sterling of N. Y. Stoddard, Taylor, Tod, Tracy, Vance, Warfield, White, Whitman, Woodcock, Wright—57

So the bill was passed and sent to the senate for concurrence.

Great part of the remainder of the day was occupied in discussing the amendments of the senate to the general appropriation bill; part of which were finally agreed to, and others rejected. So that the bills is yet in suspense between the two houses.

The house then again resolved itself into a committee on the whole on the bill making further appropriations for the military service for the current year;

But, before getting through the same, the committee rose; and

The house adjourned

Wednesday, April 24. After some other business, not necessary to notice now—

Mr. Hardin, from the select committee on the subject of retrenchment, further reported a bill to reduce the annual compensation of certain officers of government, which was twice read and committed.

Mr. Hardin, moved, according to notice, to discharge the committee of the whole from the further consideration of the three bills reported by the committee on retrenchment, so as to bring them, and particularly the congress-pay bill, immediately before the house.

After some discussion, the question was taken, and decided in the affirmative—ayes 105, noes 38.

The three bills being thus before the house,

On motion of Mr. Hardin, that for reducing the compensation of senators and representatives in congress, was first read.

[This bill provides that the daily pay of the members of the senate, from and after the present session of congress, shall be six dollars, and the like allowance shall be made for every twenty miles travel to and from congress. The bill contains like provisions as to the members of the house of representatives; and also proposes considerably to reduce the compensation of the officers of both houses.]

After one other amendment—

Mr. Wright moved to amend the bill so as to reduce the mileage from \$6 dollars for every twenty miles travelling, to \$6 for every forty miles.

Mr. Smith, of Md. said he always had thought the mileage too high; and proposed to his colleague to move thirty instead of forty miles, as he had proposed, for \$6.

This modification was accepted.

Mr. Wright's amendment, thus modified, prevailed—ayes 83, noes 74.

Mr. Floyd then moved to amend the bill so as to postpone its operation to the first day of July next.

On this motion a desultory debate took place.—Mr. Nelson, of Va. moved to amend the amendment, so as to provide that the reduction should take effect from the first day of July last. [Negatived.]

Mr. Butler moved to recommit the bill to the committee that reported it, with instructions to report at the next session of congress. [Negatived.]

The original motion to amend, by Mr. Floyd, was next in order, and was taken, without further debate, by yeas and nays—yeas 105, nays 55.

And then the house adjourned.

THURSDAY'S PROCEEDINGS—APRIL 25.

The senate, soon after meeting, closed its doors, and spent some time in the consideration of executive business. Having resumed legislative business—after the transaction of some minor matters—

The senate resumed the consideration of the bill from the house of representatives making appropriations for the navy, for the year 1822, (which was this morning reported by the committee on finance, with an amendment to the bill, similar to that incorporated in the other appropriation bills, prohibiting the payment of compensation to any officer while he remains in arrears to the United States.) This amendment was adopted, and the bill was ordered to be read a third time.

After some time having been spent on the bill regulating trade and intercourse with the Indian tribes, and nothing decisive done,

The senate adjourned.

In the house of representatives—After a good deal of business of no importance at present—a message was received from the senate announcing its adherence to the 4th, 5th, and 9th amendments, which were made by that body, to the general appropriation bill.

The house recessed from the 4th and 5th, and determined to insist on its disagreement to the 9th amendment, which was that which proposed to appropriate 9000 dollars for the repairs of the Cumberland road.

A discussion then took place which occupied the remainder of the day's sitting,

And the house adjourned.

CHRONICLE.

Died, at Cambridge, Mass. on the 14th April, inst. brevet brigadier gen. Moses Porter, col. of the 1st reg. U. S. artillery, aged 67. He was a native of Massachusetts and joined the army of the revolution at Cambridge, (the place of his decease), in 1775; was engaged in the battle at Bunker's Hill, and most other of the severe battles fought until the conclusion of the war. He was one of the officers selected to form the first peace establishment of the United States, and served under St. Clair and Wayne as a captain of artillery, in their campaigns against the Indians. In the late war he was found at the head of a regiment of light artillery, braving a Canadian climate and as full of fire as any young officer under his command. He was as brave a man as, perhaps, ever lived, and for nearly fifty years was engaged in the military service of his country. He was rough—but honest. There was no flummery about him.

Robbery. The office of the United States bank at Cincinnati was recently entered at night, and robbed of about eight thousand dollars in specie—1,000 dollars reward was offered for the recovery of the money and detection of the thief.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ The proceedings in congress just now, together with the great number of important documents and papers submitted, has required it of us to give an almost undivided attention to such things this week, and our next paper will, most probably, be so occupied:—After which we shall have a little sea-room.

Among other interesting subjects decided upon, it will be noticed that the bill appropriating 100,000 dollars for sending ministers to the southern independent states, has passed the senate, and requires nothing more than the signature of the president to become a law.

STATE RIGHTS. It will be seen by the proceedings of congress, that Mr. *Stevenson* has submitted a proposition, which, if taken up at the next session of that body, as designed by the mover, will give rise to a full discussion about state rights. It is time that the federal and state jurisdictions were settled, if possible; for we are really tired of the contests about the powers and rights of the one as acting, or as being supposed to act, against the powers and rights of the other. It is, probably, for this purpose that Mr. *Stevenson* has brought forward his resolution.

MILITARY APPOINTMENTS. The senate have again refused to confirm the nominations of col. *Townson*, as col. of artillery, and of col. *Gadsden*, as adjutant general. We also hear that the injunction of secrecy has been removed on those proceedings.

UNITED STATES AND FRANCE. It is stated that the difficulties that have existed between our country and France, as to commercial intercourse, are about to be removed by an act of the French government, which will be reciprocally met, according to the condition of the law, by an act of our own.

WEST INDIA TRADE. It appears highly probable that the British parliament has so far retired from their navigation laws, as to resolve to open their West India ports to the commerce of the United States: but the fact is not yet certainly known.

AFRICA. By the arrival of the schooner *Dolphin* at Charleston, we learn that the *slave trade* is carried on to a shameful extent on the coast of Africa. It is also stated, that the American colonists were comfortably settled at cape Messurado, and were highly pleased with their prospects. They found the climate healthy and the soil fertile, and their wish was that their brethren generally in the United States would embrace the first opportunity to come and settle with them.

FOREIGN ARTICLES. *London papers of the 30th March.* A British ministerial paper says that "no country on earth has acted with such a want of liberality to Britain as Russia." The outrages in Ireland still continued.—dozens of wretches, chained together, were marching to the ports for transportation.—The bill to effect a change of certain stocks, has passed both houses of parliament, and appears to be much approved of by the jobbers.—The revenue was in a favorable state, though the agricultural interest was in the greatest distress: speaking of the latter in parliament, Sir Isaac Coffin

remarked, it would be better for England if Canada were at the bottom of the sea.—The ministers, on several late occasions, have been in the minority.—The Hudson Bay stock was selling at 100 per cent. advance.—*Kean*, the player, has given it out and it makes a great noise in the papers, that he has received a silver cup as a token of the respect of the people of New-York; the fact appears to be that it was the private donation of the manager of the theatre there, for certain private services rendered!—The reported marriage, or any intention thereof, of the king with a princess of Denmark, is denied; he is expected, however, to visit the continent, to look out for a help mate.—Geo. Canning is appointed governor general of India.—A treaty between Great Britain and Denmark is spoken of, by which the latter has agreed to *suffer the fortresses of the Sound to be garrisoned by British troops, in the event of a war between Russia and Turkey:* this is improbable.

The debates in the French legislature are still stormy. A plot to cause an insurrection in *Poland* is said to have been discovered by some of the late arrests at Paris: the time of its breaking out was to have been when the Russians were engaged with the Turks—this is probably a manufacture to operate on Alexander.

A London paper of March 30, says, that the French funds had suddenly fallen 2 per cent.—that there were many rumors of insurrections and of a bad spirit among the military. Many arrests were made.

Fifty thousand olive trees have perished by the frost in the department of Var. The law to restrain the press has passed the house of peers. Many slave ships have been fitted out at Nantz.

Spain does not appear wholly settled—various plots are spoken of, but it is evident that things were becoming more and more quiet.

Portugal is quiet, and the cortes were proceeding with the national business with the greatest zeal. There had been an insurrection at *Madeira*, and the soldiers had taken military possession of the island; the cause of this is stated to be the censures heaped upon them by the priests, on account of the revolution in Portugal having been effected by the military.

Whether *Russia* and *Turkey* will go to war, and when, was not determined at the date of our last accounts. The sudden arrival of a Russian privy counsellor at Vienna had caused much speculation. The object of his mission is said to be to convince the Austrian court of the moderate views of his master: but large contracts for grain were made at *Odessa*, and the Russian army on the Turkish frontier amounts to 200,000 men. It is not to be believed that this great effort has been made without a determination to act. The Turks, too, are exerting themselves to put their country in the best possible state of defence. Couriers were rapidly passing to and from *St. Petersburg* and the different courts.

It seems that the *Ionian* islands were in a state of complete insurrection—"Perish the invaders," as all the British used to say about Frenchmen when they wanted to protect Spain, as Britain protects the people of these islands.

A Piedmontese paper says that the able Inglesi, sent to Europe by M. Dubourg, bishop of Louisiana, to solicit subscriptions in aid of religious pursuits, has received about 150,000 francs of different persons - the pope and the emperors of Russia and Austria having given about 20,000 francs each; the grand duke of Tuscany 11,740, and the sovereign of Lucca 10,200.

The Shah of Persia is dead, and his two sons are said to be contending for the throne.

It seems confirmed that Ali pacha has fallen - by which a large body of Turkish troops may now act directly against the Greeks; and about 60,000 in the whole, were said to be on the march for the Morea - a force that, we fear, they cannot withstand.

The Porte has been strongly urged by the Austrian minister to agree to the terms proposed by Russia; which it is thought that he would do, but on account of the Janissaries, who are clamorous for war and have already created some disturbances. There were about 60,000 troops encamped near Constantinople.

A wild report has been put afloat in Europe, that it was the intention of the American congress to furnish the Greeks with 40,000 soldiers and a squadron of frigates!

Spain and South America.

Message from the president of the United States, transmitting, (in pursuance of a resolution of the senate of the 25th inst.) sundry papers relative to the recognition of the independence of the South American colonies. April 26, 1822.

To the senate of the United States:

I transmit to the senate, agreeably to their resolution of yesterday, a report from the secretary of state, with copies of the papers requested by that resolution, in relation to the recognition of the South American provinces. JAS. MONROE.

Washington, 26th April, 1822.

Department of state, 25th April, 1822.

The secretary of state, to whom has been referred a resolution of the senate, of this day, requesting the president to communicate to the senate any information he may have, proper to be disclosed, from our minister at Madrid, or from the Spanish minister resident in this country, concerning the views of Spain relative to the recognition of the independence of the south American colonies, and of the dictamen of the Spanish cortes, has the honor to submit to the president copies of the papers particularly referred to.

JOHN QUINCY ADAMS.

ENCLOSURES.

The Spanish minister to the secretary of state, 9th March, 1822. (Translation.)

Secretary of state to the Spanish minister, 6th April, 1822.

Spanish minister to the secretary of state, 11th April, 1822.

Mr. Forsyth to the secretary of state, 14th February, 1822. (Extract.)

Dictamen of the cortes, 12th February, 1822.

[TRANSLATION.]

Don Joaquin de Anduaga to the secretary of state.

Washington, March 9, 1822.

Sir - In the National Intelligencer of this day, I have seen the message sent by the president to the house of representatives, in which he proposes the recognition, by the United States, of the insurgent governments of Spanish America. How great my surprise was, may be easily judged by

any one acquainted with the conduct of Spain towards this republic, and who knows the immense sacrifices which she has made to preserve her friendship. In fact, who could think, that, in return for the cession of her most important provinces in this hemisphere; for the forgetting of the plunder of her commerce by American citizens; for the privileges granted to their navy; and for as great proofs of friendship as one nation can give another, this executive would propose that the insurrection of the ultra marine possessions of Spain should be recognized? And, moreover, will not his astonishment be augmented to see that this power is desirous to give the destructive example of sanctioning the rebellion of provinces, which have received no offence from the mother country, to those to whom she has granted a participation of a free constitution, and to whom she has extended all the rights and prerogatives of Spanish citizens? In vain will a parallel be attempted to be drawn between the emancipation of this republic, and that which the Spanish rebels attempt; and history is sufficient to prove, that if a harassed and persecuted province has a right to break its chains, others, loaded with benefits, elevated to the high rank of freemen, ought only to bless and embrace more closely the protecting country which has bestowed such favors upon them.

But even admitting that morality ought to yield to policy, what is the present state of Spanish America, and what are its governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. Peru, conquered by a rebel army, has near the gates of its capital another Spanish army, aided by part of the inhabitants. In Chili, an individual suppresses the sentiments of the inhabitants, and his violence presages a sudden change. On the coast of Firma, also, the Spanish banners wave, and the insurgent generals are occupied in quarrelling with their own compatriots, who prefer taking the part of a free power, to that of being the slave of an adventurer. In Mexico, too, there is no government, and the result of the questions which the chiefs commanding there have put to Spain is not known. Where, then, are those governments which ought to be recognized? Where the pledges of their stability? Where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? And, in fine, where the right of the U. States to sanction and declare legitimate a rebellion, without cause, and the event of which is not even decided?

I do not think it necessary to prove, that if the state of Spanish America were such as it is represented in the message; that if the existence of its governments were certain and established; that if the impossibility of its re-union with Spain were so indisputable; and that if the justice of its recognition were so evident, the powers of Europe, interested in gaining the friendship of countries so important for their commerce, would have been negligent in fulfilling it. But, seeing how distant the prospect is of even this result, and faithful to the ties which unite them with Spain, they await the issue of the contest, and abstain from doing a gratuitous injury to a friendly government, the advantages of which are doubtful, and the odium certain. Such will be that which Spain will receive from the United States, in case the recognition proposed in the message should take effect; and posterity will be no less liable to wonder, that

the power which has received the most proofs of the friendship of Spain, should be the one delighted with being the first to take a step, which could have only been expected from another that had been injured.

Although I could enlarge upon this disagreeable subject, I think it useless to do so, because the sentiments which the message ought to excite in the breast of every Spaniard, can be no secret to you. Those which the king of Spain will experience, at receiving a notification so unexpected, will be doubtless very disagreeable; and at the same time that I hasten to communicate it to his majesty, I think it my duty to protest, as I do solemnly protest, against the recognition of the governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way, now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to re-unite them to the rest of her dominions.

I pray you, sir, to be pleased to lay this protest before the president; and I flatter myself, that, convinced of the solid reasons which have dictated it, he will suspend the measure which he has proposed to congress, and that he will give to his Catholic majesty this proof of his friendship and of his justice.

I remain, with the most distinguished consideration, praying God to guard your life many years, your most obedient humble servant,

JOAQUIN DE ANDUAGA.

JOHN QUINCY ADAMS, secretary of state.

The secretary of state to the minister from Spain.

Department of state, Washington, 6th April, 1822.

SIR: Your letter of the 9th of March was, immediately after I had the honor of receiving it, laid before the president of the United States, by whom it has been deliberately considered, and by whose direction I am, in replying to it, to assure you of the earnestness and sincerity with which this government desires to entertain and to cultivate the most friendly relations with that of Spain.

This disposition has been manifested not only by the uniform course of the United States in their direct political and commercial intercourse with Spain, but by the friendly interest which they have felt in the welfare of the Spanish nation, and by the cordial sympathy with which they have witnessed their spirit and energy, exerted in maintaining their independence of all foreign control, and their right of self government.

In every question, relating to the independence of a nation, two principles are involved, one of right and the other of fact. The former exclusively depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised, as well by the Spanish nation in Europe, as by several of those countries in the American hemisphere, which had for two or three centuries been connected as colonies with Spain. In the conflicts which have attended these revolutions, the United States have carefully abstained from taking any part respecting the right of the nations concerned in them to maintain or new organize their own political constitutions, and observing, wherever it was a contest by arms, the most impartial neutrality. But the civil war, in which Spain was for some years involved with the inhabitants of her colonies in America, has, in substance, ceased to exist. Treaties, equivalent to an acknowledgment of independence, have been concluded by the commanders and vice-roys of Spain

herself, with the republic of Colombia, with Mexico and with Peru; while, in the provinces of La Plata and in Chili, no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared.

Under these circumstances, the government of the United States, far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the highest order, by recognizing as independent states, nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of re-uniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the nations newly formed, of those relations, political and commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another.

It will not be necessary to discuss with you a detail of facts, upon which your information appears to be materially different from that which has been communicated to this government, and is of public notoriety; nor the propriety of the denominations which you have attributed to the inhabitants of the South American provinces. It is not doubted, that other and more correct views of the whole subject will very shortly be taken by your government, and that it, as well as the other European governments, will shew that deference to the example of the United States, which you urge it as the duty or the policy of the United States to shew to theirs. The effect of the example of one independent nation upon the councils and measures of another, can be just only so far as it is voluntary; and as the United States desire that their example should be followed, so it is their intention to follow that of others upon no other principle. They confidently rely that the time is at hand when all the governments of Europe, friendly to Spain, and Spain herself, will not only concur in the acknowledgment of the independence of the American nations, but in the sentiment, that nothing will tend more effectually to the welfare and happiness of Spain, than the universal concurrence in that recognition.

I pray you, sir, to accept the assurance, &c.

JOHN QUINCY ADAMS.

DON JOAQU. DE ANDUAGA, envoy extraordinary, &c.

[TRANSLATION.]

Don Joaquin de Anduaga to the secretary of state.

Philadelphia, 11th of April, 1822.

SIR: I had the honor of receiving your note of 6th instant, in which you were pleased to inform me that this government has recognized the independence of the insurgent provinces of Spanish America. I despatched immediately to Spain one of the secretaries of this legation, to carry to his majesty news as important as unexpected; and until I receive his royal orders upon the subject, I have only to refer to my protest of the 9th March last, still insisting upon its contents, as if its substance were repeated in the present note.

With the greatest respect, I renew the assurance of my distinguished consideration.

JOAQUIN DE ANDUAGA.

Extract of a letter from Mr. Forsyth to the secretary of state, dated

Madrid, 14th of February, 1822.

"I have the honor to enclose to you a hurried

translation of the last dictamen of the commission of the cortes, on the affairs of Spanish America, and the determinations made by that body."

Dictamen of the commission to whom it was referred to report on the state of the provinces of Ultramar, presented February 12, 1822.

The commission has meditated maturely and circumspectly on the proposition of the minister of Ultramar, and, after having heard him, has considered the diverse circumstances in which the provinces of both Americas are at present, and may be found hereafter; the fruitlessness and inefficacy of the commissions that have been directed to the government established in them; and possessed with the noble desire that the same may not again, with the waste of public treasure and sacrifice of humanity, occur, is of opinion that the cortes ought not to lose time in considering the proposition of the ministry, since it will be a consequence of the results; and, in order to obtain them, the government and the commissioners it elects, ought to be authorized to hear and to transmit to the legislative power, every class of propositions, be they what they may; at the same time it judges that the national decorum, and the protection which in justice is due to the European and American Spaniards, call for the establishment of a basis, useful and conducive to the welfare of the Spains.

Before fixing this basis, and that it may be as productive to the common felicity as policy and the national honor require, the commission lays down the fixed principle, that this new, grand, and legitimate path for pacific communications being opened, all treaties be esteemed of no value nor efficacy that have been formed between Spanish chiefs and American governments, which ought to be understood as null, as they have been, from their origin, as respects the acknowledgment of independence; inasmuch as they were not authorized, nor could such authority be given them, unless by previous declaration of the cortes.

The commissioners may hear all the propositions that may be made to them, in order to transmit them to the metropolis, excepting such as take away, or limit in any manner, the absolute right of the European and American Spaniards, residing in whatever part of the ultramarine provinces, to remove and dispose of their persons, families, and properties, as they may think proper, without being opposed by any obstacle or measure that might prove injurious to their fortunes. With this explanation, the commission reproduces its anterior dictamen, and the cortes will resolve what may be most proper.

Signed by *Espiga, Cuesta, Alvarez Escuden, Torreno, Moscoso, Oliver, Murphy, Navarrete Paul*

The particular vote of the Senor Oliver, proposes to add the following clause to the dictamen:

"That it ought to be understood as not affecting the responsibility which persons, whoever they may be, may have incurred in this affair, nor the rights of the Spanish nation, represented by the cortes and the king."

The particular vote of the Senors Moscoso, Torreno, and Espiga, proposes the following additions to the dictamen:

"1st. That the cortes declare, that the treaty, called that of Cordova, celebrated between gen. O'Donoju and the chief of the dissidents in New Spain, don Augustin Iturbide, as well as any other act or stipulation relative to the recognition of Mexican independence by that general, are illegitimate and null in their effects as to the Spanish government and its subjects:

"2d. That the Spanish government, by a declaration to all others with which it has friendly relations, make known to them, that the Spanish nation will regard at any epoch, as a violation of the treaties, the recognition, either partial or absolute, of the independence of the Spanish provinces of Ultramar, so long as the dissensions which exist between some of them and the metropolis are not terminated; with whatever else may serve to convince foreign governments that Spain has not yet renounced any of the rights belonging to it in those countries.

"3d. That the government be recommended to take all possible measures, without any delay, to preserve and reinforce those points of the provinces of Ultramar, that remain united to the metropolis, obedient to its authority, or that resist the separation from it by the dissidents; proposing to the cortes the resources it requires and are not at its disposal.

"4th. That the cortes declare that the provinces of Ultramar, that have declared their independence of the metropolis, or do not acknowledge *de facto* the supremacy of the government of it, ought not to have deputies in the cortes during their continuance in this state."

The additional vote of Senors Murphy, Navarrete and Paul, to the anterior dictamen, states, that it is their opinion, that, in case of the approbation by the cortes of the dictamen of the commission, they should not approve the additional votes presented by some individuals of it, as being contrary to the ends proposed by the same commission, but should put in execution the measures included in the dictamen without delay, without prejudice to what the ordinary cortes may opportunely resolve upon, whatever else they may esteem convenient.

After a short discussion, whether the dictamen should be discussed by itself or with the additional votes, it was determined that the dictamen of the commission should be first discussed. During the discussion, propositions to the following effect were presented by the Senor Salanot, viz:

"That the cortes, with a generosity peculiar to the constitutional system by which we are governed, and for the general interest of the Spaniards of both worlds, declare the independence of all those provinces of both Americas that actually are so at this day, on condition that each one of those governments pays an annual subsidy in recompence of the rights which are renounced; that a treaty of commerce be formed on the basis most convenient to the reciprocal interests of the American and peninsular Spaniards; that all hostilities be completely suspended until this treaty is completely approved; that all the Spaniards who may wish to retire to the peninsula, may do so freely, with all the funds belonging to them, without being obliged to pay any duty whatever; that any Spaniard who wishes to live in America, shall have preserved to him the enjoyment of all his rights and property; that every Spaniard who may have been deprived of his property and of his rights, in consequence of the anterior disturbances, shall be reinstated in them; that all the wealth and property belonging to European Spain shall remain at its disposal, and be removed to the peninsula at the expense of America; that all the troops that are actually in America, belonging to European Spain, shall be maintained in the same points at the cost of the American government until the ratification of this treaty; that European Spain may dispose of the naval force it has in America; and that there be established a confederation, composed of the Amer-

merican governments under the protection of European Spain, upon the basis that may be most convenient, and guaranteed as may be accorded."

Senor Munoz Torenó demanded that the author of these propositions should withdraw them immediately, as he had no powers to authorize his making them, or if he had, to exhibit them. The cortes accorded, that these propositions should be withdrawn, as contrary to the powers given to them by the constitution.

After considerable discussion, the cortes approved of the dictamen as proposed by the commission.

On the following day the particular votes were discussed and decided as follows:

That of Senor Oliver was not admitted to a vote.

That of Senors Moscoso, Espiga, and Torenó—the three first articles approved, and the fourth withdrawn by its author.

North West Coast.

Message from the president of the United States to the house of representatives.

To the house of representatives of the United States:

In compliance with a resolution of the house of representatives of the 16th of February last, requesting the president of the United States "to communicate to that house whether any foreign government has made claim to any part of the territory of the United States upon the coast of the Pacific Ocean, north of the 42d degree of latitude, and to what extent; whether any regulations have been made by foreign powers affecting the trade on that coast, and how far it affects the interests of this republic; and whether any communications have been made to this government by foreign powers, touching the contemplated occupation of Columbia river;" I now transmit a report from the secretary of state, containing the information embraced by that resolution. JAMES MONROE.

Washington, April 15, 1822.

Department of state, Washington, 13th April, 1822.

The secretary of state, to whom has been referred the resolution of the house of representatives of the 16th of February last, requesting the president of the United States "to communicate to that house whether any foreign government has made claim to any part of the territory of the United States upon the coast of the Pacific Ocean, north of the 42d degree of latitude, and to what extent—whether any regulations have been made by foreign powers affecting the trade on that coast, and how far it affects the interests of this republic—and whether any communications have been made to this government by foreign powers, touching the contemplated occupation of the Columbia river;" has the honor of submitting to the president sundry papers containing the information embraced by the resolution.

At the time when the subject of the proposed occupation of the Columbia river was presented to the consideration of congress, at their last session, the minister of Great Britain, at two several interviews with the secretary of state, suggested that Great Britain had claims on the North-West Coast of America, with which he conceived that such occupation on the part of the United States, would conflict; and requested to be informed what were the intentions of the government of the United States, in this respect. The secretary of state declined answering those inquiries, or discussing those claims, otherwise than in writing. But no written communication upon the subject has been received.

JOHN QUINCY ADAMS.

List of papers transmitted with the foregoing report.
Mr. Monroe to Mr. Baker, charge d'affaires from Great Britain, 19th July, 1815.

Mr. Baker to Mr. Monroe, 23d July, 1815.

Mr. Bagot to Mr. Adams, 26th November, 1817.

Mr. Rush to the same, (extracts), 14th of February, 1818.

Mr. Adams to Mr. Rush, (same), 20th of May, 1818.

Mr. Rush to Mr. Adams, 25th of July, 1818.

Mr. Prevost to same, 11th of November, 1818.

Enclosures from Mr. Prevost.

A. Act of surrender and acknowledgment.

B. Sketch of the settlement of Fort George, with the cleared land.

b. Mr. Keith to Mr. Prevost.

b. Mr. Prevost to Mr. Keith.

C. Chart of the entrance into Columbia river.

D. Plan of the establishment made by the Russians south of Cape Mendocino, about 7 leagues north of Bodega.

E. Note and authorities.

The chevalier de Poletica to Mr. Adams, (translation), 11th of Feb. 1822.

Edict of his imperial majesty.

Mr. Adams to the chevalier de Poletica, 25th of Feb. 1822.

The chevalier de Poletica to Mr. Adams, (translation), 28th of Feb. 1822.

Mr. Adams to the chevalier de Poletica, 30th of March, 1822.

The chevalier de Poletica to Mr. Adams, (translation), 2d of April, 1822.

[Not having room for all the documents accompanying the report, we postpone all the correspondence with the British authorities, which terminated, in 1818, in the surrender of a post occupied by them on the Columbia river; and present to our readers the papers which are of more recent date, and of more immediate interest.]

TRANSLATION.

The chevalier Poletica to the secretary of state.

The undersigned, envoy extraordinary and minister plenipotentiary of his majesty the emperor of all the Russias, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, secretary of state in the department of foreign affairs, a printed copy of the regulation adopted by the Russian American Company, and sanctioned by his imperial majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the North West Coast of America.

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams, that the imperial government, in adopting this regulation, supposes that a foreign ship, which shall have sailed from a European port, after the 1st of March, 1822, or from one of the ports of the United States after the 1st of July, of the same year, cannot lawfully pretend ignorance of these new measures.

The undersigned eagerly embraces this occasion of offering to Mr. Adams the assurance of his high consideration.

PIERRE DE POLETICA.

Mr. Adams, secretary of state.

Washington, 11th February, 1822.

[Here follows a copy of the edict, of which notice has been heretofore taken.]

The secretary of state to Mr. Poletica.

Department of state, Washington, 25th February, 1822.

Sir: I have had the honor of receiving your note of the 11th inst. enclosing a printed copy of the regulations adopted by the Russian American Com-

pany, and sanctioned by his imperial majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that company, upon the North West Coast of America.

I am directed by the president of the United States to inform you, that he has seen with surprise in this edict, the assertion of a territorial claim on the part of Russia, extending to the 51st degree of north latitude on this continent: and a regulation interdicting to all commercial vessels, other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas, within one hundred Italian miles of the shores to which that claim is made to apply. The relations of the United States with his imperial majesty, have always been of the most friendly character; and it is the earnest desire of the government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia, on this continent, that the same would have been arranged, by treaty, between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States, and of their citizens, that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I avail myself of this occasion to assure you of my distinguished consideration.

JOHN QUINCY ADAMS.

The chevalier de POLETICA,
*Envoy extraordinary and
 minister plenipotentiary from Russia.*
 [TRANSLATION.]

The chevalier de Poletica to the secretary of state.

SIR: I received, two days since, the letter which you did me the honor to address to me, on the same day, by order of the president of the United States, in answer to my note of the 11th current, by which I discharged the orders of my government in communicating to you the new regulation adopted by the Russian American Company, and sanctioned by his majesty the emperor, my august sovereign, on the 4th (16th) of September, 1821, relative to foreign commerce in the waters which border upon the establishments of the said company on the North-West Coast of America.

Readily yielding, sir, to the desire expressed by you in your letter, of knowing the rights and principles upon which are founded the determinate limits of the Russian possessions on the North-West Coast of America, from Behring's Strait to the 51° of north latitude, I am happy to fulfil this task by only calling your attention to the following historical facts, the authenticity of which cannot be contested. The first discoveries of the Russians on the north-west continent of America, go back to the time of the emperor Peter I. They belong to the attempt made towards the end of the reign of this great monarch, to find a passage from the icy sea into the Pacific ocean.

In 1728, the celebrated captain Behring made his first voyage.

The recital of his discoveries attracted the attention of the government, and the empress Anne entrusted to captain Behring (1741) a new expedition in these same latitudes. She sent with him the academicians, Gmelin, Delile de la Crayere, Muller, Steller, Fisher, Krasilnicoff, Kracheninnicoff,

and others, and the first chart of these countries which is known, was the result of their labors, published in 1758. Besides the strait which bears the name of the chief of this expedition, he discovered a great part of the islands which are found between the two continents. Cape or Mount St. Elias, which still bears this name upon all the charts, was so called by captain Behring, who discovered it on the day of the feast of this saint, and his second, captain Tchiricoff, pushed his discoveries as far as the 49th degree of north latitude.

The first private expeditions, undertaken upon the North West Coast of America, go back as far as the year 1743.

In 1763, the Russian establishments had already extended as far as the island of Kodiack, or Kich-tak.) In 1778, Cook found them at Ounalashka, and some Russian inscriptions at Kodiak. Vancouver saw the Russian establishment in the Bay of Kinal. In fine, captains Mirs, Portlock, La Peyrouse, unanimously attest the existence of Russian establishments in these latitudes.

If the imperial government had, at the time, published the discoveries made by the Russian navigators, after Behring and Tchiricoff, viz: Choudoff, Serebrenicoff, Krassilnicoff, Paycuff, Poushegoroff, Lazereff, Medwedeff, Solowicff, Lewashicff, Krensisin, and others, no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when D. Jose Martinez was sent, in 1789, by the court of Madrid to form an establishment in Vancouver's Island, and to remove foreigners from thence, under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and navigators. Yet the Spanish government was not ignorant of their existence; for this very Martinez had visited them the year before. The report which captain Malespina made of the results of this voyage, proves that the Spaniards very well knew of the Russian colonies; and in this very report it is seen that the court of Madrid acknowledged that its possessions upon the coast of the Pacific ocean ought not to extend to the north of Cape Blanc, taken from the point of Trinity, situated under 42° 50' of north latitude.

When, in 1789, the emperor Paul I. granted to the present American company its first charter, he gave it the exclusive possession of the North-west Coast of America, which belonged to Russia, from the 55th degree of north latitude to Behring's Strait. He permitted them to extend their discoveries to the south, and there to form establishments, provided they did not encroach upon the territory occupied by other powers.

This act, when made public, excited no claim on the part of other cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the 60th degree.

When the government of the United States treated with Spain for the cession of a part of the Northwest Coast, it was able to acquire by the treaty of Washington, the right to all that belonged to the Spaniards north of the 42d degree of latitude; but this treaty says nothing positive concerning the northern boundary of this cession, because, in fact, Spain well knew that she could not say, that the coast as far as the 60th degree belonged to her.

From this faithful exposition of known facts, it is easy, sir, as appears to me, to draw the conclusion, that the rights of Russia to the extent of the North-West Coast, specified in the regulation of

the Russian American Company, rest upon the three bases required by the general law of nations, and immemorial usage among nations; that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century; an epoch, consequently, several years anterior to that when the United States took their place among independent nations.

It is, moreover, evident that, if the right to the possession of a certain extent of the North-West Coast of America, claimed by the United States, only devolves upon them in virtue of the treaty of Washington, of the 22d of February, 1819, and I believe it would be difficult to make good any other title, this treaty could not confer upon the American government any right of claim against the limits assigned to the Russian possessions upon the same coast, because Spain herself had never pretended to a similar right.

The imperial government, in assigning for limits to the Russian possessions on the North-West Coast of America, on the one side of Behring's Strait, and on the other, the 51st degree of north latitude, has only made a moderate use of an incontestible right, since the Russian navigators, who were the first to explore that part of the American continent in 1741, pushed their discovery as far as the 49th degree of north latitude. The 51st degree, therefore, is no more than a mean point between the Russian establishment of New Archangel, situated under the 57th degree, and the American colony at the mouth of the Columbia, which is found under the 46th degree of the same latitude.

All these considerations united, have concurred in inspiring the imperial government, with an entire conviction, that, in the last arrangements adopted in Russia, relative to her possessions on the North-West Coast, the legitimate right of no foreign power has been infringed. In this conviction, the emperor, my august sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect, with all his power, the interests of his subjects, sufficiently justified the measures last taken by his imperial majesty in favor of the Russian American Company, without its being necessary to clothe them with the sanction of treaties.

I shall be more succinct, sir, in the exposition of the motives which determined the imperial government to prohibit foreign vessels from approaching the North-West Coasts of America belonging to Russia, within the distance of at least 100 Italian miles. This measure, however severe it may at first view appear, is after all but a measure of prevention. It is exclusively directed against the culpable enterprizes of foreign adventurers, who, not content with exercising, upon the coasts above mentioned, an illicit trade, very prejudicial to the rights reserved entirely to the Russian American Company, take upon them besides, to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them, likewise, in every manner to resistance and revolt against the authorities there established.

The American government doubtless recollects that the irregular conduct of these adventurers, a majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia, to the federal government, from the time that diplomatic missions were organized between the two countries,

These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences, to which they ought to bring a remedy, continue to increase.

The imperial government, respecting the intentions of the American government, has always abstained from attributing the ill success of its remonstrances to any motives than those which flow, if I may be allowed the expression, from the very nature of the instructions which govern the national affairs of the American federation. But the high opinion which the emperor has always entertained of the rectitude of the American government, cannot exempt him from the care which his sense of justice towards his own subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian American company, against foreign navigation in the waters which environ their establishments on the North-West Coast of America, the imperial government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigor according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last regulation of the Russian American Company, that no spirit of hostility had any thing to do with its formation. The most minute precautions have been taken in it to prevent abuses of authority on the part of commanders of Russian cruisers appointed for the execution of said regulation. At the same time, it has not been neglected to give all the timely publicity necessary to put those on their guard against whom the measure is aimed.

Its action, therefore, can only reach the foreign vessels, which, in spite of the notification, will expose themselves to seizure by infringing upon the line marked out in the regulation. The government flatters itself that these cases will be very rare; if all remains as at present—not one.

I ought, in the last place, to request you to consider, sir, that the Russian possessions, in the Pacific ocean, extend on the North West Coast of America, from Behring's Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same strait to the 45th degree. The extent of sea, of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to *shut seas* (Mers fermées) and the Russian government might consequently judge itself authorized to exercise upon this sea the rights of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential right without taking any advantage of localities.

The emperor, my august sovereign, sets a very high value upon the maintenance of the relations of amity and good understanding, which have till now subsisted between the countries. The dispositions of his imperial majesty in this regard have never failed appearing at all times, when an occasion has presented itself in the political relations of the United States with the European powers; and, surely, in the midst of a general peace, Russia does not think of aiming a blow at the maritime interests of the United States, she who has constantly respected them in those difficult circumstances in which Europe has been seen to be placed in the latter times, and the influence of which the United States have been unable to avert.

I have the honor to be, with high consideration, sir, &c.
PIERE DE POLETICA
Washington, 23d Feb. 1822.

The secretary of state to Mr. de Poletica.

Department of state, Washington, 30th March, 1822.

SIR: I have had the honor of receiving your letter of the 28th ult. which has been submitted to the consideration of the president of the United States.

From the deduction which it contains of the grounds upon which the articles of regulation of the Russian American Company have now, for the first time, extended the claim of Russia on the North-West Coast of America, to the 51st degree of north latitude, its only foundation appears to be the existence of the small settlement of Nov Archangelsk, situated, not on the American continent, but upon a small island, in latitude 57. And the principle upon which you state that this claim is now advanced, is, that the 51st degree is equidistant from the settlement of Nov Archangelsk and the establishment of the United States at the mouth of Columbia river. But from the same statement it appears, that, in the year 1799, the limits prescribed by the emperor Paul to the Russian American Company, were fixed at the 55th degree of latitude; and that, in assuming now the latitude of 51, a new pretension is asserted, to which no settlement, made since the year 1799, has given the color of a sanction.

This pretension is to be considered, not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within one hundred Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion, that the Russian government might have justified the exercise of sovereignty over the Pacific ocean, as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say, that the distance from shore to shore on this sea, in latitude 51 north, is not less than 90 degrees of longitude, or 4000 miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aboriginal natives of the North-West Coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and, although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required. I am commanded by the president of the United States to assure you, that this disposition will continue to be entertained, together with the earnest desire that the most harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by his

imperial majesty towards the United States, the president is persuaded that the citizens of this union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am happy to renew the assurances of my distinguished, &c. JOHN QUINCY ADAMS.

The chevalier de Poletica,

envoy extraordinary and minister plenipotentiary from Russia.

[TRANSLATION.]

The chevalier de Poletica to the secretary of state.

Washington, 21st March. (2d April), 1822.

SIR: I had the honor yesterday to receive the letter which you were pleased to address to me, dated 30th March last, N. S.; and, not being authorized to continue the discussion to which it refers, I find myself under the necessity of taking the contents of that letter ad referendum, reserving myself to communicate it to my government as soon as possible.

In the mean time I shall take the liberty of submitting to your consideration some observations which have been suggested to me by certain passages in your letter, which require particular notice.

In the first official letter which I had the honor of addressing to you, dated 16th (28th) February last, I thought I had succeeded in clearly demonstrating that the rights of Russia to the possession of a certain extent of the North-West Coast of America, as far as these rights can be rendered legitimate by the first discovery, the first occupation, and a possession not contested for more than half a century—that these rights, I say, go back to times considerably earlier than the reign of the emperor Paul I.

When this sovereign granted, in 1799, to the Russian American Society its first charter of incorporation, there had never been a question about abandoning to that company the right of sovereignty over one determinate portion of the North-West Coast of America in all its plenitude. The question was purely and simply of conceding to the said company a part of the sovereignty, or rather certain exclusive privileges of commerce; and it is in this view that the act of 1799, to which you refer, sir, fixed the limits of the operations of the Russian American Company.

The rights of sovereignty belonging to Russia could lose nothing of their local extent in consequence of the concessions made to that company in the reign of the emperor Paul. That these rights extended, in the opinion of the imperial government, farther south than the 55th degree of latitude, appears evident from the structure of the 3d article of the act of incorporation, which authorizes the company to form establishments south of the 55th degree of north latitude.

But, what will dispel even the shadow of doubt in this regard, is the authentic fact, that in 1789, the Spanish packet St. Charles, commanded by captain Haro, found in the latitude of 48 and 49, Russian establishments to the number of eight, consisting in the whole of 20 families and 462 individuals. These were the descendants of the companions of captain Tchiricoff, who were supposed till then to have perished.

With such titles justifying the rights claimed by Russia, you yourself, sir, will agree, that it is perfectly immaterial whether the Russian establishment at Novo Archangelsk be small or large. If the rights of territorial possession were measured according to the dimensions of the points

occupied, what would become of those of the U. States upon a very considerable extent of the same North-West Coast? for the only American establishment ever yet known is certainly very inferior in stability to that of Russia at Novo Archangelsk.

In the same manner the great extent of the Pacific ocean, at the 51st degree of latitude, cannot invalidate the right which Russia may have of considering that part of the ocean as close. But, as the imperial government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

As to the right claimed for the citizens of the United States of trading with the natives of the country of the North West Coast of America, without the limits of the jurisdiction belonging to Russia, the imperial government will not certainly think of limiting it, and still less of attacking it there. But I cannot dissemble, sir, that this same trade, beyond the 51st degree, will meet with difficulties and inconveniences for which the American owners will only have to accuse their own imprudence, after the publicity which has been given to the measures taken by the imperial government for maintaining the rights of the Russian American company in their absolute integrity.

I shall not finish this letter without repeating to you, sir, the very positive assurance which I have already had the honor once of expressing to you, that, in every case where the American government shall judge it necessary to make explanations to that of the emperor, the president of the United States may rest assured that these explanations will be always attended to by the emperor, my august sovereign, with the most friendly, and consequently the most conciliatory disposition.

Be pleased to accept, sir, the assurance of my high consideration. **PIERRE DE POLETICA.**

Report upon Fortifications.

HOUSE OF REPRESENTATIVES—APRIL 13.

The committee on military affairs, to which was referred the message of the president, of the 26th of March, on the subject of fortifications; and particularly of those on Mobile point and Dauphine Island, report:

That, on the important subject of defending the sea coast, they concur most fully in the opinion expressed in the message. They are equally agreed in the preference of permanent works over those of a temporary and perishable nature, *in all cases where they are adequate to the object.* At the same time, a view of the numerous and extensive bays and rivers with which our country is indented, naturally suggests the idea that a floating force is required to co-operate with, and to derive protection from, the permanent fortifications.

The committee are further agreed, that it is the peculiar province and duty of the executive department of government to select and determine on the proper sites, and on the nature and extent of the fortifications to be constructed. This power and this duty appertain necessarily to the president, who is commander of the national force, and is responsible for the national defence.

On the other hand, the means of carrying into effect the plans and designs of the executive are, constitutionally and necessarily dependent on appropriations of money made by congress. In the exercise of this power, which is exclusive on their part, it is the duty of congress to inquire and examine into the nature, extent, necessity, or utility,

of every object for which appropriations are required, and to judge of the expediency of granting or withholding them.

It is stated in the message that an appropriation, on account of the fortification on Dauphine Island, was suspended by the last congress in consequence of a doubt which was entertained of the propriety of that position; that a new survey has been made, the result of which is reported, and the work, as originally contemplated, is recommended to be carried on.

The considerations which induced the last congress to decline making an appropriation for Dauphine Island cannot be expected to be developed by this committee. It is well known, however, that the positions on Dauphine Island and Mobile Point, with their respective bearings and relations, and the extent and depth of the water courses, were considered and made the subjects of public debate; and it is to be presumed that the decision was made on due consideration of all the circumstances relating thereto, and with a just regard to public interests. Whether, and how far, they were influenced by a knowledge that the works on those sites had not progressed in proportion to the appropriations which had been already made; and that, of \$377,800, advanced under the contracts for their construction, a considerable part had not been expended on the works, and remained unaccounted for, or that this item would have increased the loan of \$5,000,000, to which the government was compelled in that year to resort; and that of \$8,000,000 borrowed in 1820 and 1821, one eighth part had been appropriated to fortifications in those years; how far any of these considerations may have had an effect on the last congress is not for this committee to determine.

The material facts on which the committee rested the opinion, contained in their report of the 28th of February, are sustained by the new survey, with two exceptions, *one* giving only twelve feet water, instead of eighteen, heretofore given by the first survey to the entrance of the anchorage ground under Pelican Island; the other giving eight and a half instead of ten feet to the western channel.—From this survey, it follows, and is, indeed conceded, that one of the main objects of the fort on Dauphine Island, viz: that of covering the passage to the anchorage ground under Pelican Island, where our own or enemies' vessels might take shelter, and from whence they might annoy or protect the coast, is wholly lost, as the water is too shallow to float the *smallest national vessel* of an enemy. If the statement in the new survey be correct, that the depth of water in the western channel be ten feet at high water, and eight feet and a half at low water, and admitting that the pass of seven feet, laid down in Curtis Lewis's chart, has not been omitted in the late survey, the inference, drawn by the committee in their former report, is not materially affected, as, in either case, there is not sufficient depth of water for enemies vessels of war to pass.

Other objects are now assigned for erecting a fortification on Dauphine Island, to contain one hundred and eight guns, requiring, in the estimation of the committee, the expenditure of one million of dollars.

First. That it would be important in the defence of New Orleans, as it would prevent the landing at Mobile bay, and render it dangerous for an invading force to land at any place between the Rigolets and the bay of Mobile, for the purpose of marching to the Mississippi above the city.

The importance of providing an efficient defence

for New Orleans, is fully impressed on the minds of the committee. In their judgment, it is entitled to primary consideration, and no reasonable means or expense, necessary to secure it from attack, should be withheld by congress. In addition to the works already projected, the committee would see with pleasure a proposal, and recommend an appropriation, for the small work on the Bayou Bien venue, for repairing and strengthening fort St. Philip, at the Plaquemine turn, with a work opposite to that fort on the western side of the Mississippi, provided a proper site can be had; and for providing at Baton Rouge, materials for a floating force.

It appears to be the opinion of the board of engineers, that there is no danger of the landing of an enemy any where between Dauphine island and the Rigolets, for the purpose of marching to the Mississippi, above New Orleans. In their first report, they observe, "We think that it is useless to say that an enemy cannot undertake any thing reasonable against that part of the frontier which is between the lake Ponchartrain and Mobile bay: the nature of the country uncultivated, and the facility to come from the west and the east to separate the vessels from the enemy's forces that would have thrown themselves into the country, and finally the non existence of any profitable object, are motives enough to consider that part of the frontier sufficiently defended by itself."

With respect to any land operation on the part of an enemy from the bay of Mobile, the opinion expressed by the board of engineers, in the following extract from the same report, appears to be conclusive.

"An enemy that would attempt to go up Mobile, in order to get to Tombigbee and Alabama, would expose himself to be separated from the sea, by the arriving troops of the westward, from the interior of the country; and if to all this be added the difficulties of conducting, offensively, a divergent operation, through the two valleys that unite themselves, it may be concluded that, on that part of the frontier of the union, all kind of offensive operations must be limited to occupy Mobile, and Mobile town," &c. &c.

Admitting that, according to the message, it were practicable for an enemy, when we have possession of Mobile Point, to overcome the obstacles of shoalness of water, and that presented by an efficient floating force on our part, to destroy the small craft in which he must land, and that he should effect a landing with ten or fifteen thousand men, on Dauphine Island; that, leaving his vessels, provisions, and munitions, with all hope of retreat, in case of disaster, he should have the temerity to pass over to land, and hazard a march of two hundred miles, to Baton Rouge, that being the distance, as laid down in Ellicott's survey—between the rivers Mobile and Mississippi—that the brave militia who conquered at New Orleans, the last war, should be wholly unadvised of his movement, and suffer him to pass unmolested; admitting, also, that no preparations for his reception should be made at Baton Rouge, how is his descent to New Orleans to be effected? Having left his ships and boats two hundred miles in his rear, he must march down the levee, on the left bank of the Mississippi, a distance of one hundred and fifty miles, part of the way with a morass on his left, liable to be arrested in his march by temporary batteries in front, at every turn of the river, to be flanked by gun-boats in the river, and, in the last resort, to have the levee cut from under him, and the country inundated, the militia hanging on his rear.

Under these circumstances, would an enemy of any foresight or calculation make the attempt?

The preference of permanent fortifications over a floating force, in all cases where they will fulfil the object, being admitted, the only question is, whether this is such a case, or whether, in other words, the contemplated works, on Mobile Point and Dauphine Island will defend the bay of Mobile? That they will not, is admitted by the engineers, who state, in their report, that a floating force is required in aid of the permanent works. It is further evident, because it is well known and conceded that vessels of war which can pass the bar, may, especially by night, pass the forts, run out of reach of their fire, and leave them harmless in their rear. Thus anchored and master of the bay, the defence of which was the principal object of the fortifications, what security remains for the shipping, the towns and the immense property above, against which he may commit his depredations at his own time, and according to the nature and amount of his force? A movable and floating force, as contemplated in the former report of this committee, appears to be the only satisfactory answer.

In the last report of the engineers, a calculation is made of the relative expenses of permanent and floating forces. It would not be difficult to show that the interest of two millions of dollars, the cost of the contemplated works on Dauphine Island and Mobile Point, amounting in ten years to one million two hundred thousand dollars, would be amply sufficient for a floating force for twenty years; nor would it be more difficult to prove from experience, that permanent works also require constant expenditures for alterations, repairs, garrisons, &c. and that positions have been heretofore taken on which permanent fortifications have been constructed at great expense, which are about to be abandoned, either on account of the positions, or because the nature or structure of the works are not approved, while a floating force is put in operation in time of war only, its expenses are limited by the war, and may, at the expiration of the war, be either preserved at a very small expense or totally abandoned, which may, perhaps, be most eligible, preserving only their armament. It is also worthy of observation that, in their former reports, stating the necessity of a floating force to co-operate with permanent works to prevent an enemy from entering the bay of Mobile, the engineers do not appear to have made these calculations, nor indeed any objections to such a force. As this subject has been presented to the committee in a financial point of view, and as they have not yet obtained all the information necessary to enable them to give a detailed opinion in this report, they leave that part of the subject for future consideration.

It is further stated, in the message, that an enemy may take possession of Dauphine Island, and that he did so at the close of the last war. Having at the close of the war taken the small fort on Mobile Point, and possessed himself of the channel road, the enemy might make his incursions to Dauphine Island unmolested. It will also be recollected that he took possession of Tangier and Kent Islands in the bay of Chesapeake, but it is not inferred that it is therefore necessary to fortify these islands. If these should be fortified, others remain equally accessible to him in various parts of the coast.

From every view of the subject which the committee have been able to take, on a careful examination of all the facts, and with the most re-

spectful attention to the opinions expressed in the message, they do not find any justifiable cause for changing the opinion contained in their former report of the 28th of February, that it is inexpedient to construct the projected fortification on Dauphine Island.

In the opinion expressed in the message, on the expediency of progressing in the completion of the fortifications on the sea board, the committee entirely agree, and that the necessary appropriations therefor should be made. They are also well satisfied that, "in case any emergency should require it," the people would willingly submit to any burthens necessary to accelerate their completion. Whether, at this time, and under existing circumstances, they would be willing to increase the national debt, by recurring to loans, as in the two years last past, or that additional taxes should be imposed on them for this purpose; or whether the progress in these works ought to keep pace with, and to be limited by, the ordinary revenue of the country, are questions requiring, in the judgment of the committee, the most serious consideration of congress.

All which is respectfully submitted.

Seventeenth Congress—first session.

IN THE SENATE.

April 25. Mr. Eaton submitted the following resolution:

Resolved, That the president of the United States be requested to communicate to the senate the report of the attorney general, relative to any persons, (citizens of the United States), who have been charged with, or suspected of, introducing any slaves into the United States contrary to existing laws. [Agreed to next day.]

April 26. Mr. Noble laid the following resolution on the table for consideration:

Resolved, That the secretary of war be directed to prepare and report to the senate, at the next session of congress, the number of persons placed upon the pension list up to the 1st of September next, by virtue of the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," approved March 18th, 1818, and the "act in addition to the act aforesaid," approved May the 1st, 1820. That the secretary of war in giving the number aforesaid, distinguish between those who enlisted to serve during the war, and those for any shorter period, stating the number of each, and the time served, and the number of the officers who receive twenty dollars per month.

The senate next took up the bill from the house of representatives to revive and continue in force for two years, the act of April 16, 1816, and March 3, 1819, concerning the allowance of pensions upon a relinquishment of bounty land. [After debate, this bill was rejected.]

The senate receded from its amendment to the appropriation bill which proposed to allow 9000 dollars for the repair of the Cumberland road.

Some time was spent on the bill respecting the Indian trade, and the further consideration of the subject postponed until Monday—as was also the bill from the house to repeal the act concerning navigation.

The following message was received from the president of the United States, by the hands of his private secretary:

I transmit to the senate, agreeably to their resolution of yesterday, a report from the secretary of state, with copies of the papers requested by that resolution, in relation to the recognition of the South American provinces.

JAMES MONROE.

Washington, 26th April, 1822.

The message and documents were read and ordered to be printed.

Mr Holmes reported a bill to direct the sale or disposition of the bills or notes of certain broken banks, remaining as special deposits in the treasury,

on such terms as the secretary of the treasury, with the approbation of the president, may deem most advantageous—which bill was twice read by general consent.

And the senate having passed through all the orders of the day, adjourned to Monday.

April 29. After disposing of some minor business—

The senate took up the bill from the house of representatives, providing for the payment of damages sustained by the loss of horses, &c. in the Seminole war, by the Tennessee volunteers.

The committee of claims of the senate, to whom this bill had been referred, recommended its indefinite postponement; on which question a debate of considerable duration took place. Messrs. Eaton and Williams, of Tennessee, advocated the bill, and Messrs Ruggles, Chandler, and Barton, opposed it.

The question being taken on postponing the bill indefinitely, it was negative—ayes 13, nays 24. The bill was then laid on the table.

The senate, according to the order of the day, took up, in committee of the whole, Mr. Lowrie being called to the chair, the bill from the house of representatives, making an appropriation of 100,000 dollars to defray the expenses of missions to the independent nations on the American continent.

The amendment reported by the committee of foreign relations to the bill, (to increase the appropriation to \$110,000, and subjecting the bill specifically to the limitations of the general law concerning the compensation of public ministers,) were negative—Mr. King, of N. Y. having expressed the opinion that they were unnecessary.

Mr. Smith of S. C. proposed to amend the bill by adding thereto the following proviso:

"Provided, nevertheless, that no money shall be drawn from the treasury, for that purpose, until the president shall be fully satisfied that such missions will not interrupt the friendly relations of the United States."

And the question being taken on the adoption of this amendment, it was decided in the negative, as follows:

YEAS—Messrs. Chandler, Eaton, Holmes, of Miss. Lloyd, Macon, Ruggles, Smith, Taylor Williams, of Miss.—9.

NAYS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown, of Ohio, Dickerson, Findlay, Gaillard, Holmes, of Mr. Johnson, of Ken. Johnson, of Lou. King, of Ala. King, of N. Y. Knight, Lanman, Lowrie, Morril, Palmer, Parrott, Pleasants, Rodney, Seymour, Stokes, Talbot, Van Buren, Walker, Ware, Williams, of Tenn.—28.

After some remarks, incidental or explanatory, and of no direct bearing on the merits of the measure—

The question was taken on ordering the bill to be read a third time, and was decided in the affirmative, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown, of Ohio, Chandler, Dickerson, Eaton, Findlay, Gaillard, Holmes, of Mr. Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Ala. King, of N. Y. Knight, Lanman, Lowrie, Morril, Palmer, Parrott, Pleasants, Rodney, Ruggles, Seymour, Stokes, Talbot, Taylor, Thomas, Van Buren, Walker, Ware, Williams, of Miss. Williams, of Tenn.—35.

NAYS—Messrs Lloyd, Macon, Smith—3.

The senate then went into the consideration of executive business, which occupied it until near 4 o'clock; when the senate adjourned.

April 30. Mr. Holmes of Maine, agreeably to notice, having obtained leave, introduced a bill to relieve the people of Florida from the operation of certain ordinances. [This bill proposes to repeal the ordinance of governor Jackson, of July 18, 1821, concerning naturalization, and the ordinance of the city council of St. Augustine, of Oct. 19, 1821; imposes fines and imprisonment on any person who shall hereafter attempt to enforce said

ordinances; and provides for refunding to the people of Florida all moneys which they have paid under said ordinances.] The bill was twice read and referred to the committee on the judiciary.

Several bills were twice read and referred, and some, not very important, passed.

The senate resumed, in committee of the whole, Mr. Talbot in the chair, the consideration of the bill providing for paying for horses, &c. lost in the Seminole war.

After considerable discussion, the bill was ordered to a third reading.

Mr. King, of New York, from the committee on foreign relations, reported the following bill, which was read:

Be it enacted, &c. That on satisfactory evidence being given to the president of the United States, that the ports in the islands, or colonies, in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the president shall be, and he is, authorized to issue his proclamation, declaring that the ports of the United States shall thereafter be open to the vessels of Great Britain, employed in the trade and intercourse between the United States and such islands, or colonies, subject to such reciprocal rules and restrictions as the president of the United States may, by such proclamation, make and publish, any thing in the laws, entitled "an act concerning navigation," or an act, entitled "an act supplementary to an act concerning navigation," to the contrary notwithstanding.

And be it further enacted, That this act shall continue in force to the end of the next session of congress, and no longer.

The senate spent some time to-day on executive business; and having agreed, on the motion of Mr. Walker, to meet henceforth at 10 o'clock in the morning, adjourned.

May 1. The bill for regulating trade and intercourse with the Indian tribes was ordered to be engrossed for a third reading.

The bill from the house of representatives to repeal the act concerning vaccination was then resumed.

Mr. Lloyd laid before the senate an explanatory letter from the late vaccine agent, (Dr. Smith), and moved that the bill with the letter be recommitted; but, after some debate, this motion was lost.

After an ineffectual motion to postpone the bill indefinitely, it was ordered to a third reading, by the following vote:

YEAS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown, of Ohio, Chandler, Dickerson, Findlay, Gaillard, Holmes, of Mr. Holmes, of Miss. King, of Ala. King, of N. Y. Lauman, Lloyd, Lowrie, Macon, Pleasant, Rodney, Smith, Stokes, Talbot, Taylor, Thomas, Van Dyke, Walker, Ware, Williams, of Miss. Williams, of Ten.—29.

NAYS—Messrs. Eaton, Edwards, Knight, Morrill, Parrott, Ruggles.—6.

The bill from the other house providing payment for horses, &c. lost in the Seminole war, was read a third time, passed, and returned to the house of representatives.

Mr. Edwards, Mr. Southard, and Mr. Van Dyke, who were not in their seats when the vote was taken on the appropriation for ministers to South America, obtained leave to record their names in favor of the recognition of the South American states.

The bill in addition to the acts concerning navigation (having been previously read a second time) was taken up in committee of the whole.

Mr. King, of N. Y. moved the addition of the following section:

Sec. 2. And be it further enacted, That, in the event of the signature of any treaty or convention, concerning the navigation or commerce between the United States and France, the president of the United States be, and he is hereby authorized, should he deem the same expedient, by proclamation, to suspend, until the end of the next session of congress, the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes;" and also to suspend, as aforesaid, all other duties on French vessels, or the goods imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same.

The amendment was adopted without objection. and the bill was ordered to be engrossed for a third reading.

The following message was received from the president of the United States, which was read and referred to the committee on military affairs:

To the senate of the United States:

In compliance with a resolution of the senate, requesting the president of the United States to cause to be laid before the senate certain information respecting the practical operation of the system of subsisting the army under the provisions of the act passed the 14th of April, 1818, &c. I herewith transmit a report from the secretary of war, furnishing the information required.

JAMES MONROE.

Washington, April 30, 1822.

After spending a short time on executive business, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, April 25. Mr. Buchanan, from the select committee, to whom that subject was referred, made report respecting certain fines imposed on the militia of the state of Pennsylvania, concluding with the following resolution, which was ordered to lie on the table:

Resolved, That the uncollected militia fines, due from delinquents in the state of Pennsylvania, which have been assessed by courts martial, and all fines collected by the late or present marshals of Pennsylvania, or their deputies, which have not been paid into the treasury of the United States, or applied to the payment of the expenses of courts martial, be transferred to the state of Pennsylvania with full power to collect the same.

The following message was received from the president of the United States:

To the house of representatives:

In compliance with the resolution of the house of representatives of the 29th of January last, requesting the president of the United States to cause to be communicated to that house certain information relative to the claim made by Jonathan Carver to certain lands within the United States, near the Falls of St. Anthony, I now transmit a report from the secretary of the treasury, which, with the accompanying documents, contains all the information on this subject, in the possession of the executive.

JAMES MONROE.

Washington, April 23, 1822.

The message and documents were referred to the committee on public lands.

And then the house adjourned.

Friday, April 26. Mr. Hemphill, from the committee on roads and canals, made a report on that subject in favor of the work of improvement generally, but against going further at present than to pass the bill, already reported, authorizing surveys, &c. The report, which shall be hereafter published at large, was, on motion of Mr. H. ordered to lie on the table.

Mr. Stevenson, of Virginia, rose, and remarked that the resolution which he was about to offer to the house, was one of an important and interesting character. It involved, in his opinion, considerations of deep interest to the nation, and was intimately connected with the union and prosperity of the states. He knew very well that the controversies which had lately arisen between the federal and state governments, as to their rights and powers, were of extreme delicacy and importance, and ought to be approached with much caution and deliberation. It was, however, due to himself to say, that, in moving in this business at this time, he was influenced by no narrow or local consideration, or party feeling. He had no desire to abridge the powers of the general government or extend those of the states. The resolution was offered in a spirit of peace and forbearance, and from a sense of duty to himself and the state which he represented, from

the performance of which he did not feel himself at liberty to shrink. It was, moreover, due to those states, in which the subject has been lately so much agitated, as well as to the nation, to have it fairly discussed and deliberately decided; and, if this section of the judicial act was not justified by the constitution, it was the duty of congress to repeal it. He would therefore offer the resolution, with a view that it might be laid upon the table until the next session of congress, and called up at an early day for discussion. He expressed a hope that it would be the pleasure of the house to permit it to take this course, and would submit a motion to that effect. The resolve is as follows:

Resolved, That the committee on the judiciary be instructed to prepare and report a bill repealing the 25th section of the act, entitled "an act to establish the judicial courts of the United States."

The resolution was received and ordered to lie on the table, according to the wish of the mover.

The house refused to consider a resolution providing for an earlier meeting of the next session of Congress.

Mr. Rich moved that the house take up for consideration the following bill:

Be it enacted, &c. That, in the settlement of accounts of persons remaining charged on the books of the third auditor of the treasury, with public moneys, advanced prior to the first day of July, one thousand eight hundred and fifteen, the proper accounting officers be, and they are hereby authorized to admit to the credit of such persons, respectively, the amount of any expenditures made by them, which were at the time authorized by law or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved to the satisfaction of the said accounting officers, and if the evidence exhibited in lieu thereof shall be the best the nature of the several cases will admit of, and such as would be received in courts of justice: *Provided, nevertheless*, That the credits to be allowed shall in no case exceed in amount the sums with which such persons, respectively, shall be charged on the books of the said third auditor.

The house agreed to consider the same; when Mr. Cocke moved an additional proviso to the bill, in the following words:

"And provided, also, that the said accounting officers shall not receive the evidence of the party, or any one interested."

After considerable debate, the proviso was rejected, as unnecessary by the existing regulations, and the bill was ordered to be engrossed for a third reading.

The bill to reduce the compensation of the senators and representatives in congress, was laid on the table, for the purpose of taking up the bill for erecting toll-gates on the Cumberland road.

In committee of the whole and in the house, this bill occupied much time, and was ardently debated. Many propositions to amend were offered: among them one that appropriates a balance of 9000 dollars of the appropriations made for making the road, to the present repairs thereof; which was agreed to—yeas 83, nays 71.

The question was then taken upon ordering the bill, as amended, to be engrossed and read a third time, and decided as follows:

YEAS.—Messrs. Barber, of Conn. Barber, of Ohio, Bateman, Baynes, Blackledge, Breckenridge, Buchanan, Burrows, Campbell, of N. Y., Campbell, of Ohio, Cassidy, Chambers, Cooke, Cook, Cushman, Cutburt, Dane, Darlington, Duffie, Dwight, Edly, Edwards, of Conn. Edwards, of Penn. Endley, Fuller, Hardin, Hemphill, Hendricks, Hill, Hobart, Hoiccombe, Jackson, F. Johnson, J. T. Johnson, Jones, of Tenn. Kent, Kirkland, Little, Little, McCarty, McLane, Mallory, Matson, Merce, Metcalf, Milnor, Montgomery, Moore, of Penn. Moore, of Va. Murray, Nale, Nelson, of N. H. Newton, Patterson, of Penn. Pierson, Plumer, of N. H. Plummer, of Penn. Poinsett, Rankin, Reid, of Md. Reid, of Geo. Rich, Rochester, Ross, Russ, Sanders, Sawyer, Scott, Sergeant, Sloane, S. Smith, W. Smith, J. S. Smith, Stewart, Stoddard, Tod, Tomlinson, Trimble, Upham, Vance, Van Rensselaer, Walker, Walworth, Warfield, Whipple, Williams, of Va. Woodson, Wright—89.

NAYS.—Messrs. Alexander, Archer, Baldwin, Ball, Bissett, Blair, Borland, Brown, Burton, Butler, Cambreleng, Cannon, Childen, Condict, Conkling, Conner, Crafts, Denison, Edwards, of N. C. Eustis, Farrelly, Floyd, Garnett, Gehard, Gist, Gorham, Gross, Harvey, Hawks, Hooks, Hubbard, Keyes, Lathrop, Lincoln, Littlefield, Long, McCoy, McNeill, McSherry, Matlack, Matthews, Mitchell, of Penn. Morgan, Nelson, of Mass. Nunn, of Va. Overstreet, Phillips, Pitcher, Reed, of Mass. Rhea, Rogers, Reggins,

Arthur Smith, Alex. Smyth, Sterling, of Conn. Stevenson, Swan, Tannall, Taylor, Thompson, Tracy, Tucker, of S. C. Tucker, of Va. Van Wyck, White, Williams, of N. C. Williamson, Wilson, Wood, Woodcock, Worman—71.

so the bill was ordered to be engrossed and read a third time to-morrow.

The military appropriation bill was taken up in committee of the whole, and some progress being made therein, the committee rose, &c.

Saturday, April 27. Mr. Montgomery, from the committee on the public expenditures, made a report upon the subject, concluding with the following resolutions:

1. *Resolved*, That the committee on the judiciary do inquire into the expediency of prescribing, by law, a mode, by which all persons having claims against the United States, on account of money or property, may have the same brought before, examined, and decided upon in the judicial way, embracing therein all cases, where, upon a like state of facts, between individual and individual, an action at law or bill of equity would be sustained.

2. *Resolved*, That the committee on military affairs do inquire into the expediency of repealing all laws, authorizing the building of forts, and erecting certain other military defenses, by contracts made by persons not of the army; and providing, in lieu thereof, the most advantageous mode of having such service performed by the labor of the regular soldiers, aided by proper mechanics, under the superintendence of the proper officers of the army.

3. *Resolved*, That the committee of ways and means do inquire into the expediency of changing the existing law, in relation to the mode of reporting balances to congress, as being due from individuals to the United States, so as to require such report, within one year after the account ought, by law to be closed. And that the said committee do also inquire into the expediency of prescribing, by law, a more effectual mode of taking sureties from the officers concerned in the collection and disbursement of public moneys, embracing a mode of renewing the obligations of such officers periodically. And that the said committee do also inquire into the expediency of providing, by law, for the forfeitures of offices, in relation to the collection of the revenue, and the disbursement thereof, on certain specified omissions and malpractices.

The report was ordered to lie on the table.

Mr. Hardin reported a bill to authorize the secretary of the treasury to dispose of the bills or notes of certain broken banks, denominated special deposits, or unavailable funds. Laid on the table.

Mr. Montgomery submitted the following joint resolution for consideration:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, That the following propositions shall be submitted to the legislatures of the several states, as amendments to the national constitution, which, if ratified by three-fourths of the said legislatures, shall immediately thereafter be valid, to all intents and purposes, as part of the said constitution.

1. The United States shall be divided into four sections, to be styled presidential sections, in the following manner, viz: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, and New York, shall constitute one; New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, shall constitute another; North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Tennessee, shall constitute another; and Kentucky, Ohio, Indiana, Illinois, and Missouri, shall constitute another.

2. That, immediately after the next election of a president of the United States, the said sections shall be designated by numbers in the following manner, viz: the residence of the person recently elected as president, shall be determined by the joint vote of the senate and house of representatives of the United States, and the section within which he resides as a citizen, shall be styled the first presidential section: and the number of each of the other sections shall be determined by a lottery drawn by the president. The senate and speaker of the house of representatives, in the presence of the members of the two houses, in the hall of the representatives; and thereafter each section shall be designated by its number so drawn.

3. That hereafter, after the sections are so designated, a president of the United States shall be elected from the sections respectively, in rotation, the first being a citizen of the second section; the second election to be of a citizen of the third and so on, to the highest number, and then of the first and so on as before mentioned, in regular rotation.

4. That any state hereafter admitted into the union, shall be considered as a part of that section on which it binds by the greatest extent of its boundary.

5. That, when ever it is ascertained, by the census of the United States, that any section contains double the represented numbers of the section containing the lowest represented numbers, such section shall be divided by congress, and the numbers of each determined by lottery, as before directed, the one section taking the former number, and the other a higher number.

The resolution having been read, Mr. Montgomery said that his purpose was to bring the sub-

ject before the view of the house and the nation, and, however laughable it might appear to some gentlemen, he considered it a very serious matter. He wished it laid on the table, for the purpose of calling it up at the next session.

After a variety of other business, to be noticed in its progress—

The house took up the bill to reduce the compensation of the senators and representatives in congress, &c. Whereupon a long debate took place, a brief sketch of which occupies six of the close-printed columns in the National Intelligencer, and much time was spent in calling the yeas and nays. It can be of very little use to attempt an abstract of it. A motion to postpone the subject to the 1st Monday in December next, was negatived—ayes 33, noes 132. A motion to strike out *six* and insert *four* dollars, as the amount of the daily compensation, was lost—for it 71, against it 92. We should publish the yeas and nays on this question, but these, in the present state of the bill, do not indicate the wishes of individuals, having more a view to subsequent proceedings than to establish any principle just now. Towards the close of the sitting, Mr. A. Smyth submitted a resolution by way of amendment, to reduce all salaries and compensations at the rate of 20 per cent.—but before any decision was had, the house adjourned at a late hour.

Monday, April 29. Mr. Sanders, from the select committee on the affairs of the post office department, submitted a long report, which was read, and shall be inserted hereafter.

The house refused (77 to 57) to consider Mr. Cocke's motion to appoint a committee to sit during the recess of the session to investigate the state of the several departments.

Mr. Dwight then moved that the house do consider a motion which he this morning laid on the table; and the house agreed to consider it—ayes 69 noes 57; which motion is in the following words:

Resolved, That a select committee be appointed to examine the decisions of the second comptroller of the treasury, with the power to send for persons and papers, and leave to report at the next session.

It appeared, in explanation, that, on a settlement of John H. Piatt's accounts, about two years ago, a balance of 48,000 dollars was found to stand against him, which he was unable to pay, and that, influenced by sundry considerations, a law had passed to settle his accounts "according to equity"—[that is, without the production of all the usual vouchers required], and release him, provided his claims, so admitted, should not exceed the above amount apparently due: but in the settlement made under this special act, it appeared that a balance had been made out in favor of Mr. Piatt, in the sum of 60,000 dollars, over and above the said 48,000. Some discussion followed, until the speaker declared that the time allowed for the consideration of original motions had expired—and the resolution was laid on the table.

The bill from the senate to repeal the 14th section of the act to reduce and fix the military peace establishment, (which section establishes general Scott's regulations for the government of the army), was read a third time; and the question being on its passage—

Mr. Floyd said that this bill ought not to pass without some examination: because the rules and regulations which it went to repeal, contained some provisions which were not intended to be established by congress, and were not in the regulations when they were established by congress. The seventy-fifth article of those regulations contained

a manifest forgery, which ought to be examined into. He had before him the manuscript rules, as laid before congress previous to their being established: he had also the copy printed from the manuscript for the use of this house, and conforming to it: he had also in his hand the copy promulgated by the war department. In that copy, the 75th article read as follows: "Art. 75. *Transfers*. 1.

"The transfer of officers will only be made by the war department, in orders, on the mutual application of the parties, except in extraordinary cases. See 63 article of war. Nor shall an officer be transferred into a regiment to the prejudice of the rank of any officer thereof. When officers are transferred at their own request, the order for change of station will specify the fact." See article 63, par. 81." In the rules presented to this house, and by it enacted into law, the words in *italic*, as above, were not to be found. It was a subsequent interpolation and a palpable forgery. He had other objections to urge. There was no situation, he said, in which officers could be placed, in time of peace, in which they did not get their brevet pay and other emoluments, which congress did not intend they should have. And rumor (which a gentleman from Virginia said the other day was often malignant), had informed him, that, when general Brown was attacked with the malady under which he yet labors, application was made by general Scott for the command of the army, on the ground that he was the oldest brevet major general, though the youngest brigadier, and this, too, to the exclusion of a man who had risen from the lowest to the highest ranks of the army, by merit and with fame.

Mr. Alex. Smyth explained what, as he understood them, were the facts in this case. The regulations prepared by general Scott were printed, it was true, for the use of the house. General Scott, then in Philadelphia, received one or more copies of the document after it was printed, and went into an examination and correction of errors therein, as well of the press as of the manuscript, and also made certain alterations in the text. He, (Mr. S.) then chairman of the military committee, received a copy from him with a few alterations, and afterwards, through the war department, another copy, containing considerable alterations. When he came to draw up the bill, which passed into an act, establishing the regulations compiled by major general Scott for the government of the army, it was his intention that the last copy received from general Scott, having the advantage of his full corrections, should be the one established. For that purpose, he deposited that copy with the clerk of the house. He was perfectly convinced that all the corrections to be found in the promulgated order were made anterior to the passage of the act establishing the regulations; and that they were then intended by congress to be what they have been published by the war department. He was confident his colleague was mistaken in supposing there had been any subsequent interpolation of them.

Several gentlemen spoke to the subject—after which, on the suggestion of Mr. Archer, that, as the accusation was a serious one, and to allow time to ascertain facts, the bill was laid on the table.

The engrossed bill for the preservation and repair of the Cumberland road, was read a third time.

Mr. Taylor said, he considered this bill as so important in its character, as being such a violation of the constitution, that he felt himself impelled to call for the yeas and nays upon it.

The yeas and nays were thereupon ordered.

Mr. Reed, of Md. moved to recommit the bill, for the purpose of causing to be stricken out of it the section that authorizes the president of the United States to lessen or increase the rates of the tolls. That was an act of legislation, he said, which it was not competent for the president of the U. States to exercise. This motion was supported by the mover, and opposed by Messrs. Little, Ross, Trimble and Stewart.

Mr. Reed, of Md. called for the yeas and nays, which were thereupon ordered; and the question on a commitment being taken, it was decided in the negative, by a large majority.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Barber of Ohio, Barstow, Baylies, Bayly, Blackledge, Brockbridge, Buchanan, Campbell of N. Y. Campbell of O. Cassidy, Chambers, Cocke, Condict, Cook, Cushman, Cuthbert, Dane, Dickinson, Durfee, Dwight, Edly, Edwards of Conn. Edwards of Pa. Fendley, Fuller, Hardin, Hemphill, Hendricks, Hill, Howard, Jackson, J. T. Johnson, J. S. Johnston, Jones of Tenn. Kent, Kirkland, Lefevre, Little, Long, McCarty, McLane, McSherry, Mallory, Watson, Mercer, Metcalf, Milnor, Montgomery, Moore of Penn. Moore of Va. Moor of Ark. Neale, Nelson of Md. New, Newton, Patterson of Penn. Plumer of N. H. Plumer of Penn. Rankin, Reid of G. O. Rich, Ross, Russ, Sanders, Sawyer, Scott, S. C. Smith, S. Smith, W. Smith, J. S. Smith, Spencer, Stewart, Stoddard, Swearingen, Tisd, Tomlinson, Trimble, Upham, Vance, Van Rensselaer, Walker, Walworth, Williams of Va. Woodson, Wortman, Wright—87.

NAYS—Messrs. Alexander, Allen, of Mass. Archer, Baldwin, Bell, Bassett, Blair, Borland, Brown, Burton, Butler, Cambreleng, Cannon, Colden, Conkling, Conner, Crafts, Crutcher, Edwards of N. C. Farrelly, Floyd, G. Blair, Gilmer, Gist, Graham, Gross, Harver, Hawkes, Holcomb, Jones, of Va. Keyes, Lathrop, Lincoln, Litchfield, Matlack, Martocks, Mitch. II of V., Murray, Nelson of Mass. Nelson of Va. Overstreet, Patterson of N. Y. Phillips, Pitcher, Reed, of Mass. Reed, of Md. Rhea, Rogers, Ruggles, Art's Smith, Alex. Smyth, Sterling of Conn. Sterling of N. Y. Stevenson, Swan, Tinsall, Taylor, Thompson, Tracy, Tucker, of Va. Tucker of S. C. Van Wyck, White, Williams of N. C. Williamson, Wilson, Woodcock—68.

So the bill was passed, and sent to the senate for concurrence.

The engrossed bill on the prompt settlement of accounts—a bill to authorize the appointment of deputy collectors, and a bill explanatory of the act for the relief of Rd. O'Brien, late consul at Algiers, were respectively read a third time and passed.

The house took up the compensation bill, and, after spending considerable time thereon, during which several propositions to amend were made and variously disposed of—the bill was laid on the table, (72 to 71), to take up the military appropriation bill, which it was necessary should be attended to; and the house went into committee of the whole on the same. Certain amendments were made, and, at 20 minutes before 6 o'clock, the committee rose and reported the bill to the house, which then adjourned.

Tuesday, April 30. Mr. Smith, of Md. from the committee of ways and means, to whom was referred so much of the president's message as relates to the fiscal concerns of the government, made report thereon.

[The report shall be speedily published in extenso. It estimates that the revenue for the present year will be adequate to the necessary expenditures, and will leave in the treasury, at the end of the year, a surplus of 713,548 dollars.]

The report, on motion of Mr. Stevenson, was ordered to be laid on the table and be printed.

Mr. Lustis, from the committee on military affairs, to whom was referred a bill from the senate to select a site for the establishment of a national armory on the western waters, reported the same without amendment, with a recommendation that the same be postponed to the next session; and, on his motion the bill was ordered to lie on the table.

The resolution yesterday moved by Mr. Dwight, for instituting a committee, with power to send

for persons and papers, and to report at the next session on the subject of the decisions of the 2d comptroller of the treasury, was again taken up.

After some debate, the resolution was rejected.

Mr. Lincoln submitted the following resolution: *Resolved*, That the president of the U. States be requested to cause to be deposited in the library of congress the originals or copies of all such reports, memoirs, or documents, not heretofore published, as have been made by public officers, Indian agents, private individuals, or exploring parties, to the executive department of the government, together with any maps, drawings, or charts or copies of the same, which, in his opinion, it may be consistent with the public service to have there deposited.

Mr. Reid, of Maryland, submitted the following resolutions:

Resolved, That the secretaries of the state, treasury, war, and navy departments, and the postmaster-general, be, and they are hereby directed to lay before this house, within ten days after the commencement of the next session of congress, a report, shewing the time when was made the last statement, upon which a balance was found to be due, of the accounts of the officers or agents, foreign or domestic, collecting or disbursing the public moneys, under the authority of their respective departments, who have held their several appointments for the last three years; how such balance was suffered to accrue; what steps have been taken to recover it; the sufficiency of the principal and securities; and whether any, and who, of such agents or officers have been continued in the public service after such balance was stated to be due by them.

Resolved, That the 2d, 3d, 4th, and 5th auditors be, and they are hereby directed to lay before this house, within ten days after the commencement of the next session of congress, an account, shewing the amount of moneys unaudited at the period when their several offices were established; the amount annually appropriated by congress since the establishment of their respective offices, which it was their duty to have audited; and what amount has been actually audited by them annually, carrying the balance of one year to the account of the succeeding year.

Resolved, That it is hereby made the duty of the several auditors of the treasury to render to the secretaries of their respective departments, a semi-annual statement, commencing from the first day of the present year, shewing the balance, if any, due by any and every officer whose duty it may be to collect or disburse the public moneys.

Resolved, That it is hereby made the duty of the secretaries of the state, treasury, war, and navy departments, to lay before this house, within ten days after the commencement of their annual session, a list of the balances which may appear to be due upon the last semi-annual statement which may be rendered to them respectively.

Resolved, That it is hereby made the duty of the postmaster-general to lay before this house, within ten days after the commencement of their annual session, a semi-annual statement, shewing the balance, if any, due by each and every deputy postmaster.

The resolutions lie on the table one day of course.

Mr. Blair, of S. C. submitted for consideration the following resolution:

Resolved by the senate and house of representatives of the United States of America in congress assembled, two-thirds of both houses concurring, That the following amendments to the constitution of the United States be proposed to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid to all intents and purposes as part of the constitution.

"That no increase or diminution of the compensation to representatives, for their services as such, shall be made by congress, to have effect or operation during the period for which the members of the house of representatives, acting upon the subject, shall have been elected.

"That no person shall be appointed by the president of the U. States to any office, either of profit, honor, or trust, or who shall have been a member of either house of congress within the last two years preceding the election of the president for the term being."

After Mr. Blair had supported his proposition by a few appropriate remarks, the subject under discussion yesterday, as to certain alterations in the book of rules for the regulation of the army, was taken up and occupied much time and a protracted debate. It was contended on one side that the alleged alterations were made in the copy of the rules laid before the military committee, and the fact was so stated, positively; on the other hand it was maintained that the book of rules, as it now stands, was not that on which the house had legislated. To each of these positions many excep-

tions were taken, useless to detail—and the time allotted to the consideration of original motions expired without any decision.

Mr. *Hardin* moved that the house take up for consideration the bill to reduce the compensation of the members of congress, &c. and on that motion he called for the yeas and nays, which were, thereupon, ordered, and the question being taken, it was carried—yeas 120, nays 46.

The previous question was called for, but not sustained, and the house proceeded to consider the bill.

Many motions to amend, some of them with a pretty evident view to defeat the bill indirectly, were made, and the yeas and nays called about a dozen times, as if for the purpose of spending the day: but nothing took place that directly manifested the feelings of the house on the propriety or principle of the bill. A motion to re-commit it was negative—and so the matter rested at the close of this day's sitting.

The following message was received from the president of the United States:

I transmit to the house of representatives a report from the secretary of state, in pursuance of their resolution of the 29th instant, "requesting to be furnished with a copy of the judicial proceedings in the United States' court for the district of Louisiana, in the case of the French slave ship *La Pensee*."

JAMES MONROE.

Washington, 29th April, 1822.

The speaker laid before the house a report from the secretary of state, of the amount of moneys paid as salaries, outfits and contingent expenses to foreign ministers, since the year 1800, and the amount paid to each; which was ordered to be laid on the table.

The speaker laid before the house a communication from the treasury department, in relation to the funds of the United States in the western banks; which was ordered to lie on the table.

Wednesday, May 1 The committee on the expenditures of the war department made a report, which shall be noticed hereafter.

A resolution submitted by Mr. *Stevenson* yesterday, respecting the alterations in the army regulations, was adopted; and a committee appointed accordingly.

Mr. *F. Johnson*, of Ky. laid on the table the following for consideration:

1. *Resolved*, That the practice which has obtained in the public offices in this city, (of not attending to business until nine or ten o'clock in the morning and closing the offices at three in the evening), is inconvenient to those who have business to transact in them; it is not such reasonable attention to the public service as should be given, nor such attention as the salaries allowed by law are entitled to command, and that the said practice ought to be abolished.

2. *Resolved*, That the president of the United States be requested to cause the respective secretary of state, of treasury, of war, of the navy, and the postmaster general, to report to this house, on the second day of the next session of congress, the number of active and well qualified clerks, and accountants, that will be necessary to perform the duties of their respective offices and departments, by requiring a reasonable, constant, and diligent attention to business.

3. *Resolved*, That the number of officers and seamen of the navy of the United States, ought to be

limited by law, and that the number of neither should exceed so many as can be actively and usefully employed in the service.

4. *Resolved*, That the president of the United States be requested to cause to be laid before this house, on the second day of the next session of congress, a plan for a peace establishment of the navy of the United States, in conformity to the principles declared in the foregoing resolution.

Mr. *Conkling* laid on the table the following for consideration:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, That the following amendments to the constitution of the United States be proposed to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid, to all intents and purposes, as part of the constitution.

That no increase of the compensation of members of congress shall take effect during the continuance of the congress by which it shall have been made. And no law shall be passed fixing the pay of members of congress at a greater sum than six dollars for each day's attendance, and six dollars for every twenty miles travel in coming to and returning from the seat of government.

The bill further regulating the post office establishment, (which proposes important alterations in the present arrangement of that department), was taken up in the house by sections. A debate ensued and a variety of amendments were made.

At length, when it was nearly six o'clock, the bill was ordered to be engrossed for a third reading, and the house adjourned. [The amendments strike from the bill nearly all the new arrangements proposed to have been made about the transport or postage of letters and newspapers.]

THURSDAY'S PROCEEDINGS—MAY 2.

In the senate, several bills were passed—among them, the bill in addition to the act concerning navigation, to regulate intercourse with the Indian tribes, to vest certain militia fines in the state of Pennsylvania, and to repeal the act for the encouragement of vaccination. Some others were passed to a third reading, among them the bill for erecting toll-gates on the Cumberland road.

The bill from the house to provide for the appointment of deputy collectors was rejected.

Several other bills were partially acted upon, and the senate spent some time on executive business, and then adjourned.

In the house of representatives, a good deal of business was done and much debating had, which we shall notice more in detail hereafter. Among other things—

Mr. *Fuller* submitted the following joint resolution:

Resolved by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States—Which, when ratified by the legislatures of three fourths of the several states, shall be valid to all intents and purposes, as part of the constitution, viz:

The compensation of the president of the United States, of the vice president and the members of the senate and house of representatives, shall be fixed by law at the first session of every congress elected next after the representatives shall be proportioned among the several states according to a new census, taken pursuant to the constitution, and shall not be increased or altered for the term of ten years, nor until after the census and apportionment next succeeding; but no increase or alteration of such compensation shall take effect till after the term shall have expired for which the persons holding the offices or stations aforesaid at the time of such increase or alteration, shall have been respectively elected.

The resolution was ordered to lie on the table.

The remainder of the sitting was chiefly occupied on the military appropriation bill, in which some amendments were made, but the house rose without having passed through the same, at half past 6 o'clock.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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☞ The amount of matter on hand at this time is so large, that it is not an easy thing to determine what ought to have precedence—but, as the proceedings of congress are interesting to many as furnishing articles of news, and needful to all for future reference, we have preferred to give a pretty full view of the transactions of the last days of the session, heartily rejoicing that it hath ended.

Two or three subsequent numbers will necessarily be nearly filled with documents; after which, room may be afforded for some attention to miscellaneous subjects and original matter. No former congress was ever so productive of documents as the late session; and, though we cannot approve the *motive* of many calls for information, the general effect will be salutary, if the people shall read the papers submitted with a little more attention than most members of congress have bestowed on them. We shall hereafter, probably, say something about the motive just spoken of, as well as invite our readers to a consideration of sundry documents, which recently have been or soon shall be published in the REGISTER—for it is our determination to preserve, either at full length or by abstract, all that can generally interest the friends and possessors of this work.

On Saturday last, with a short recess, both houses sat nearly until midnight, and between *seventy* and *eighty* bills were passed—this being the last day, according to rule, on which business *originating* in either house could be acted upon in such house, except on amendments made by the other. Most of these bills were of a private character, and, no doubt, had been well considered by the committees who reported them—but it seems a little irreconcilable with prudence or propriety, that so much time should always be wasted at the commencement of a session and so much hurry and bustle prevail at its close. Surely, there is room for improvement in respect to these things.

On Monday and Tuesday, both houses sat until 10 o'clock at night—the chief matters transacted are duly noticed in our account of the proceedings. The bill respecting the Cumberland road, which had passed the house by a majority of 19, was considered as if to be passed without the president's sanction; but instead of there being a constitutional majority for that purpose, there was an actual majority of four against it; and the appropriation of 9000 dollars, added by the senate to the military appropriation bill to keep the road in repair, was struck out by the house.

The veto of the president, on the the bill which had passed both houses to erect toll-gates on the Cumberland road, is inserted, and the additional message shall hereafter be given. The latter is of great length, and the president details his views of the powers and rights of the general government as to roads and canals and other internal improvements. On this subject also, we have an able report from Mr. *Hemphill*, chairman of a committee of the house, which shall have an early insertion.

The meeting on Wednesday was only for the purpose of receiving bills which had been approved by the president, and both houses adjourned at an hour so early that a good many members reached Baltimore in time to pass on in the steam boat

of that evening, which was detained for their accommodation.

MONEY, &c. On Wednesday, the 1st inst. there was a wonderful bustle at New York about money, and the news of it spread with lightning-like rapidity, inspiring something like terror as it proceeded. United States bank stock, which had been selling at 110, tumbled down to 98—and every person who had money seemed to grasp it as with both hands, resolving, on no account, to part with it! The banks at New York, Philadelphia and Baltimore totally stopped discounting, and it appeared as if some frightful mischief was rapidly approaching. Since then, however, the panic has chiefly subsided, the stock has risen to 104, the banks at New-York and Philadelphia are doing some business, and those of Baltimore are going on nearly as before, which, however, was very prudently.

Several causes are assigned for this unpleasant alarm, which, perhaps, may have been occasioned by a combination of them. 1st—that certain persons in New York had borrowed large sums on hypothecated stock of the bank of the United States, which was thrown into the market, the period of payment having arrived. 2nd—that the regular brokers and other money-dealers had laid their heads together to make a speculation, and cheat and ruin some of their fellow citizens. 3rd—by reason of the great amount of British goods that had been received at New York and there sold by auction, &c. on *British account*, causing a great demand for specie, of which very large quantities have lately been sent to England—260,000 dollars in one vessel from Philadelphia.

In respect to each of those items we may speak at length, hereafter—but, if the people of the United States do not make an effort to pay off their public debt and so lessen the range of iniquitous speculation in stocks, the time will come that a few dozen base men may place a value on every foot of land in our country, and assess the amount that each of us shall receive for our daily labor.

During the bustle and excessive pressure for money, exchange on England fell two or three per cent. It is rising again—and money matters, generally, are not much more difficult to be managed in Baltimore now than they were before the bustle took place, except that greater circumspection is used. The "National Intelligencer," of Saturday last, predicts that within *one month* the stock of the U. S. bank will be at 110, and within *two months* at 120. We shall see.

FOREIGN NEWS. We have some interesting articles as to foreign events prepared for the press, though there is not much of what may be called *news* in them, which must be laid over for want of room.

A vessel has arrived at New-York from the Texel, and brings a report, (but it is only a report), that Russia had declared war against Turkey. It is probable enough—and the leading British papers evidently give into the belief that hostilities would commence between those powers. It is supposed

that the badness of the roads has prevented the opening of the campaign.

Some measures were in progress in the British parliament, which have for their object to open the West India Islands to the commerce of the U. States. The parliament had adjourned to the 17th of April, and soon after that date it was believed that said measures would be adopted with very little opposition. They were introduced by the ministers.

Ireland remains in a dreadful state—executions were constantly taking place, without any apparent effect to keep down the amount of disorders.

An extract of a letter received at Philadelphia, by the brig George, dated Havana, April 20, says—“A vessel is just arrived from Vera Cruz, in fourteen days, which brings the news that the congress at Mexico have met and decided, by a great majority, to adhere to the union with the monarchy of Spain, upon the constitutional system. Iturbide has protested against it.”

Five wretches, pirates who had fired upon and attempted to rob an American vessel near St. Bartholomews, were arrested, after their chief had been killed in the struggle, and, being tried, were sentenced to death on that island.

KENTUCKY. We learn from Louisville, that 2,050 dollars in *commonwealth paper* has been paid for one thousand specie dollars! It appears to have been of a more depreciated value at Lexington, for 210 dollars in paper were given for 100 dollars in specie. Such is the inevitable result of the *paper system*. The “rag barons” will not have it otherwise.

CAPTURED SLAVES. *From the National Intelligencer.* We mentioned, the other day, a rumor then in circulation, that the point in dispute between the United States and Great Britain, respecting the restoration of captured slaves, which had, according to the treaty, been referred to the arbitration of the emperor of Russia, had been decided by him in favor of the claims of the United States. This, we now understand, is incorrect. The fact is, that the last information from St. Petersburg was, that the discussion on the subject, by the ministers of the United States and Great Britain, had terminated, and that it was finally placed before the minister of foreign affairs, for the award of the emperor.

Ways and Means.

Report of the committee of ways and means, to which was referred so much of the president's message, at the commencement of the first session of the seven-teenth congress, as relates to the finances.

House of representatives—April 30, 1822. Read and ordered to lie on the table.

The committee of ways and means, to which was referred so much of the president's message, at the commencement of the session, as relates to the finances, respectfully submit the following report:

The total nett receipts into the treasury, during the year 1821, amounted to the sum

To wit:	
From customs	13,004,447 15
Arrearages of the old	
direct tax	3 661 25
Do. of new do.	25,687 80

\$19,588,340 01

Do. of the new inter-	
nal revenue	69,027 63
Public lands	1,212,966 46
Miscellaneous	152,913 43
Dividend bank stock	105,000 00
Repayments	14,636 29
Loan of five millions	5,000,000 00

The total expenditures paid from the treasury, during the year 1821, amounted to \$19,094,895 85

To wit:	
For civil list	1,118,483 17
Miscellaneous	911,553 91
Foreign intercourse	212,450 87
Military establish-	
ment	5,163,071 22
Naval establishment	3,322,243 06
Public debt	8,367,093 62

State of the treasury, public revenue, appropriations actually made for the service of the year 1822, and of the public debt.

And first—The state of the treasury.

Amount of money in the treasury on the 1st day of January, 1822	\$1,673,575 77
From which deduct debts, due by banks, which will not be available during the present year	800,000 00

Leaving, of available funds in the treasury, on the 1st January past,	873,575 77
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Second—The revenue for 1822.

Customs, as estimated in the annual report of the secretary of the treasury,	14,000,000 00
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Excess over that estimate, agreeably to a letter from the secretary to the committee of ways and means, dated 10th April	500,000 00
	14,500,000 00

Public lands, per annual report	1,600,000 00
Bank dividends	350,000 00
Arrears of direct tax and internal duties	75,000 00
Money recovered out of advances made in the war department before 1st July, 1815	60,000 00
Incidental receipts	25,000 00

Estimated amount of available funds for the service of 1822	\$16,610,000 00
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Third—Amount of the several appropriations for the service of the year 1822.

1. Permanent appropriations, viz:

Reimbursement of the principal of deferred stock, and interest of the public debt	\$5,722,857
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Gradual increase of the navy	200,000
Arming the militia	200,000
Indian annuities	168,150
Indian trading houses	19,000
Civilization of Indians	10,000
	6,320,007 00

NOTE. Of the annual appropriation of \$500,000 for the gradual increase of the navy, only \$200,000 are required for the service of the present year.

2. Temporary, agreeably to the several appropriation laws, passed for the service of the year 1822.

For the navy	2,284,911
For the military service	5,318,770
Civil department	1,565,409
Public buildings	123,300
Private claims estimat-	
ed at	200,000
Missions to South America	100,000
	9,592,390

Total of authorized expenditures
for 1822

\$15,912,397

Fourth—the public debt.

The total amount of the public
debt, on the 1st day of January, 1822,
was

\$93,423,215 33

Viz:

6 p. ct. 1812, 8,855,981 83
7 p. ct. do. 8,606,355 27

When redeemable.
17,462,337 10 in 1825
6 p. cts. of 1813, 22,357,368 84 in 1816
6 p. cts. of 1814, 13,011,437 63 in 1827
6 p. cts. of 1815, and funded
treasury notes 10,954,994 17 in 1828

63,786,137 74

6 per cent. deferred
stock, 1,783,148 38
6 per cent. of 1796, 80,000 00
6 per cent. of 1820, 2,000,000 00
5 per cent. of 1820, 999,999 13
5 per cents 1821, 4,735,296 39
5 per cent subscription
to the bank, 7,000,000 00
3 per cents 13,295,956 04
Louisiana stock, not ap-
plied for on 30th Sep-
tember last 5,558 15

29,899,958 00

Amount paid after the
30th Sept. for Loui-
siana stock and prin-
cipal of the deferred
stock, 262,880 41

29,637,077 59

In the report of the committee of ways and means, relative to the exchange of 5 per cent. for 6 and 7 per cent. stock, a mistake was made in stating, that the whole of the debt would (except the 3 per cents.) be paid off in 1833. It ought to have been stated in 1835. The error is presumed to have arisen from the figure 5 being mistaken for 3. The exchanged stock for the 7 per cents. is, by the bill, payable in 1834, which proves the error.

By the operation of the present sinking fund of ten millions, it has been shown by a former report, that, should the exchange of stock be effected, the stock contemplated, amounting to \$63,786,137 74, will be extinguished in the year 1834, except the sum of \$1,952,000.

The commissioners of the sinking fund will be charged with the payment of that amount in the year 1835

\$1,952,000 00

And with the payment of the fol-
lowing sums:

Stocks, 5 per cents. of 1820 999,999 13
5 per cents. of 1821 4,735,296 30

Total to be paid in 1835

\$7,687,295 43

On the 1st of July, 1824, the deferred debt will be paid off by the operation of the present sinking fund. During the present year the following stocks

will be paid off: 6 per cents. of 1796, \$80,000, and the small remnant of the Louisiana stock; and, during the years 1822, 1823 and 1824, it is expected by the secretary of the treasury, (if no unforeseen expenditures shall occur) that the 6 per cent. loan, of 1820, of two millions, will be paid off: There will then remain (3 per cents. excepted) only the seven million subscription to the bank, which is balanced by United States' bank stock to a similar amount, and can scarcely be considered as a debt. If, however, congress should reduce the amount of the sinking fund to eight millions, which your committee recommend, then the extinguishment of the debt will be prolonged four years.

The state of the finances.

Amount of appropriations for the service of the year 1821, which will be required subsequent to the 1st of January, 1822,

\$1,235,923 71

To meet which there was in the treasury, on that day, of available funds, the sum of

873,575 77

Being an actual deficit, in case all the sums appropriated for the service of 1821 had been demanded, of

362,347 94

Amount of authorized expendi-
ture for the year 1822,

15,912,397 00

16,274,744 94

Amount of receipts estimated dur-
ing the same year,

\$16,610,000 00

Surplus of receipts over the expen-
ditures of 1822, 335,255 06
Add thereto the sum of

378,293 01

Being the amount of repayments from the treasurer, as agent for the war and navy departments, under the provisions of the act of 1820, and which consequently increases the means of the treasury to that amount.

Surplus estimate to be in the treasury on the 31st December, 1822,

\$713,548 07

The amount of duty bonds taken in 1821, and which will become payable in 1822, may, agreeable to information received from the secretary of the treasury, be stated at fifteen millions. The collection from the bonds in suit, and which makes no part of the above sum, will, it is presumed, by the secretary, be equal to the sums not paid of the above when due. The tonnage duties and the payments made upon duty bonds taken, during the first six months of this year, would, in ordinary times, be equal to the expense of collection, and to the payment of the debentures which are chargeable on the revenue. This would give a nett revenue from the customs of fifteen millions; but, as it is probable that the re-exportation for benefit of drawback, will be increased during the present year, on account of the almost total cessation of the civil war in Spanish America, the committee have deemed it safer to state the receipts of the present year at \$14,500,000, although they think it may amount to \$15,000,000.

*The sum of \$1,117,029 22, being a part of the sum stated by the secretary of the treasury, as the balance of appropriations chargeable upon the revenue of 1821, having been re-appropriated, the above balance of \$1,235,923 71, only remains of the appropriations of 1821.

The committee submit the following estimate, for the year 1823:

Receipts, bottomed on those of 1822,	\$16,610,000 00
Expenditures, bottomed on the appropriations actually made for the service of the year 1822, to wit:	
Permanent appropriations,	*\$6,620,007
Temporary,	9,592,390
	16,212,397

From which may be deducted the following items which will not be required for the service of 1823:

Deficit in revolutionary pensions	451,536
Deficit in quartermaster's department,	76,000
Deficit in Indian department	70,000
Arrearages prior to the 1st July, 1817,	90,000
Outfit to missions to the South American nations,	32,000
Difference in the expenditures of the present and succeeding session of the legislature,	166,812
	886,348
	15,326,049 00
	\$1,283,951 00

To which add the surplus estimated to be in the treasury, on the 31st December, 1822,

Amount estimated as a surplus in the treasury, on the 31st December, 1823, and applicable to the expenses of 1824,;	713,548 07
	\$1,997,499 07

The committee submit the preceding estimate for the year 1823, and they feel a well founded confidence that it will be verified by the result. But it is bottomed on no certainty; it is on estimate, and who can estimate with precision a revenue mainly arising on duties on imports, subject to the winds and waves, to the caprice of commerce, to the merchants making a greater or less re-exportation, to the want of punctuality in payment of bonds when due, and to other events that no human being can foresee? Has any secretary of the treasury, since the commencement of the government, been accurate in his estimates of the revenue? *No one has, and no one ever can.* The present secretary has been nearer to the result than his immediate predecessors, as appears by a document, which the committee ask leave to present as part of their report; yet he has not been entirely accurate. At the last session, he estimated the imports for 1821,

*There will be required, on account of the permanent appropriation for the gradual increase of the navy \$300,000 more in 1823, than in the preceding year.

at fourteen million. This was esteemed by the best informed members of the house, as too low, and the secretary was *openly* censured for presenting a view of the finances worse than they really were. The committee of ways and means were directed by the house to investigate the subject, and they reported that the imports would give fifteen millions of dollars. They were incorrect, for the customs gave little more than thirteen millions in 1821, yet the committee formed their opinion upon data that they thought were tenable; they took the average receipts for the four preceding years, which gave the sum of \$17,868,809, and they might have, with such a result, been justified in estimating a higher amount than they did. They thought themselves safe in assuming for 1821, the amount actually received from the customs in 1820, to wit: of fifteen millions. It appears, however, from the actual receipts, that their estimate was erroneous. The result being so much less than they had presumed, arose from a variety of causes. A less amount was received from bonds in suit than had been expected; a greater amount of debentures were issued than could have been anticipated, owing to the distress of the merchants compelling them to export, to enable them, by the debentures, to meet the payments of their bonds, and to the following circumstance: Debentures amounting to a sum exceeding \$800,000, which were payable in 1820, were not paid until 1821, thus becoming an unexpected charge upon 1821.

If that charge had been paid in 1820, the estimate of the secretary, of \$14,000,000 from the customs, would have been nearly correct, and the report of the committee of ways and means would have been different from what it was. Other causes operated most powerfully. An inability to pay for the imports on the part of the consumers, and the rapid increase of the manufactures of the country; *an increase that the most sanguine had not anticipated.* The following view will shew the great loss of revenue in two years, and particularly in that arising from cottons and woollens; those articles pay an ad valorem duty of 25 per cent.; none others do. In the year 1818, it will be seen that the imports of those articles amounted to \$24 804,188; and in 1820, only to \$8,980,075: being a loss in two years, on those two items, of \$15,824,113; a loss to an extent that no human being could have foreseen. It, however, carries with it this consolation, that it shews the great and salutary increase of the national manufactures, and gives a well founded expectation that, in a few years, our own manufactures of cotton and woollen will be equal to our consumption.

Of goods paying an ad valorem duty, the average value in the years 1818, 1819 and 1820, was,

	COST.	DUTIES.
In 1818	\$58,661,504	\$11,947,260
1819	39,885,467	9,631,738
1820	22,128,487	4,420,959

Amount of imports at several rates of duties.

	15 per cent.	20 per cent.	25 per cent.
In 1818	\$19,445,525	\$9,524,531	\$24,804,188
1819	13,971,593	5,979,736	16,555,399
1820	9,407,288	2,400,789	8,980,075

Duties on spirits.

In 1818	\$2,646,186
1819	1,959,125
1820	1,728,665

Difference between 1818 and 1820 \$917,521

On coffee.

In 1818 \$959,970
1820 664,592

Difference, \$295,378

The committee submit herewith three statements, obtained from the treasury department. From those statements it appears, that after the 30th September, 1824,

The interest on the public debt will be \$4,948,898 67

Add interest on 5,000,000 to claimants under the Spanish treaty, at 5 per cent. 250,000 00

\$5,198,898 67

Arming the militia 200,000 00

Civilization of Indians 10,000 00

Gradual increase of

the navy 500,000 00

Indian annuities 157,875 00

Amount of permanent appropriations subsequent to September 1824, \$6,066,773 67

Add to the above the amount of appropriations for the service of 1822, after deduction of items not required for subsequent years, 8,706,042 00

Amount of presumed expenditures of the year 1825 14,772,815 67

The committee pretend not to form any estimate of the revenue that will arise in 1825; but with a view of presenting the subject, they assume that it may be estimated at \$16,000,000 00

And they presume that the proposed revision of the tariff of 1816, may give an addition of 1,500,000 00 17,500,000 00

If the result should be as presumed, there would remain subject to the sinking fund, \$2,727,184 33

Which amount, with salutary retrenchments on the present public expenditures, would be adequate to meet a sinking fund of eight millions of dollars, and to leave some funds applicable to unforeseen events.

If the exchange of stock, proposed by the act which has lately passed, should take effect, there will be a saving of interest, resulting annually therefrom, of \$346,063, which may be added to the above result.

All which is respectfully submitted.

No. 1.

Estimate of the interest which will accrue on the public debt, from the 1st October, 1824, to the 30th September, 1825; provided that the whole of the deferred stock, the \$2,000,000 six per cent. of 1820, and the \$80,000 six per cent. of 1796, shall be previously reimbursed.

Interest.
On \$13,295,956 04 3 per cent. stock, 398,878 68
12,735,295 43 5 per cent. 636,764 77
55,180,172 87 6 per cent. 3,310,810 36
8,606,355 27 7 per cent. 602,444 86

\$89,817,779 61 \$4,948,898 67

6 per cent. of 1820, \$2,000,000 00

6 per cent. of 1796, 80,000 00

Deferred 1,525,826 12

3,605,826 12

Amount per statement of debt on 1st January, 1821 \$93,423,605 73

Amount of interest brought down \$4,948,898 67

Deduct the amount which will be saved, provided the \$26,000,000 of 7 per cents and 6 per cents are exchanged for 5 per cents, viz:

2 p. ct. on \$8,606,355 27

7 per cents, \$172,127 10

1 p. ct. on 17,393,646 74

6 per cents, \$173,936 44

346,063 54

Amount, as per estimate (2) \$4,602,835 13
Treasury department, Register's office,
April 27, 1822.

JOSEPH NOURSE, Register.

No. 2.

Estimate of the interest which will accrue on the public debt, from the 1st October, 1824, to the 30th September, 1825; provided that, in addition to the reimbursement of the stocks mentioned in No. 1, the whole of the 7 per cent. stock, and so much of the 6 per cents, as will be necessary to make up the \$26,000,000, shall be exchanged for five per cents.

On \$13,295,956 04 of 3 per cent. stk. 398,878 68

38,735,295 43 of 5 per cent. 1,936,764 77

37,786,528 14 of 6 per cent. 2,267,191 68

\$89,817,779 61 \$4,602,835 13

Treasury department, Register's office,
April 27, 1822.

JOSEPH NOURSE, Register.

No. 3.

Statement of the permanent appropriations that will exist after the 30th of September, 1824.

Arming and equipping the militia 200,000

Paying the public debt 10,000,000

Civilization of the Indian tribes 10,000

Gradual increase of the navy 500,000

Treaties with Indian tribes *157,875

\$10,867,875

Treasury department, Register's office,
April 27, 1822.

JOSEPH NOURSE, Register.

*Permanent appropriations, as per estimate for 1822, for this object, 152,725
From which deduct this sum, the appropriation for which will expire in 1823 11,000

141,725

To which add appropriations under act of 3d March, 1821 16,150

157,875

STATEMENT shewing the annual amounts of the total estimated receipts into the Treasury, and of the total actual receipts from 1802 to 1821, inclusive; and shewing particularly the amount estimated, and the amount actually received from customs.

YEAR.	TOTAL RECEIPTS.		DIFFERENCE.		RECEIPTS FROM CUSTOMS.		DIFFERENCE.	
	Estimated.	Actual.			Estimated.	Actual.		
1802	10,600,000	13,668,233 95	Actual rec'ts .29 more than estimated rec'ts.	Do.	9,500,000	12,438,233 74	Actual rec'ts .51 more than estimated rec'ts.	Do.
1803	10,000,000	11,064,097 63	.11 more	do.	9,600,000	10,479,417 61	.09 more	do.
1804	10,400,000	11,826,307 38	.15 more	do.	10,000,000	11,098,565 33	.11 more	do.
1805	11,750,000	13,560,693 20	.15 more	do.	11,280,000	12,936,487 04	.15 more	do.
1806	13,500,000	15,559,931 07	.15 more	do.	13,000,000	14,667,698 17	.13 more	do.
1807	14,500,000	16,398,019 26	.13 more	do.	14,000,000	15,945,521 61	.13 more	do.
1808	15,800,000	17,060,661 93	.08 more	do.	15,300,000	16,363,550 58	.07 more	do.
1809	10,500,000	7,773,473 12	.26 less	do.	10,000,000	7,296,020 58	.27 less	do.
1810	10,300,000	9,384,214 28	.09 less	do.	9,800,000	8,583,309 31	.12 less	do.
1811	12,500,000	14,423,529 09	.15 more	do.	11,500,000	13,313,222 73	.16 more	do.
1812	8,200,000	9,801,132 76	.19 more	do.	7,500,000	8,958,777 53	.19 more	do.
1813	12,000,000	14,340,409 95	.19 more	do.	11,500,000	13,224,623 25	.15 more	do.
1814	10,100,000	11,181,623 16	.11 more	do.	6,000,000	5,998,772 08	almost equal	do.
1815	18,200,000	15,696,916 82	.14 less	do.	6,500,000	7,282,942 22	.12 more	do.
1816	33,400,000	47,676,985 66	.43 more	do.	21,000,000	26,383,348 49	.73 more	do.
1817	30,650,000	32,896,623 44	.07 more	do.	24,000,000	26,283,348 49	.10 more	do.
1818	24,525,000	*21,060,171 04	.14 less	do.	20,000,000	17,176,385 00	.14 less	do.
1819	24,320,000	24,559,617 16	.01 more	do.	21,000,000	20,283,608 76	.03 less	do.
1820	22,500,000	17,840,669 55	.20 less	do.	19,000,000	15,005,612 15	.21 less	do.
1821	16,050,000	†14,573,703 72	.09 less	do.	14,000,000	13,004,447 15	.07 less	do.

*In consequence of the law repealing the "internal duties," this source of revenue, which was estimated at \$2,500,000, produced only \$955,270 20.
 †In consequence of the law for the relief of the purchasers of "public lands," the proceeds of the sales of public lands, which were estimated at \$1,600,000 amounted only to \$1,212,966 46.

If these twenty years be divided into four series of five years each, it will appear that the actual receipts have either exceeded or fallen short of the estimated receipts in the following proportions:

In the 1st series, viz: 1802 to 1806, inclusive,	84 parts in 500, or 17 per cent; and, in the customs, 79 parts in 500, or 16 per cent.
2d do. 1807 to 1811,	71 in 500, or 14 per cent; and, in the customs, 75 parts in 500, or 15 per cent.
3d do. 1812 to 1816,	106 in 500, or 21 per cent; and, in the customs, 119 parts in 500, or 24 per cent.
4th do. 1817 to 1821,	51 in 500, or 10 per cent; and, in the customs, 55 parts in 500, or 11 per cent.

The difference between the estimates and receipts is less during the last five years than during any series of five years embraced in this statement.

From the year 1802 to 1813, inclusive, the estimates were made by Mr. Gallatin.
 1814 to 1816, do. do. by Mr. Dallas.
 1817 to 1820, do. do. by Mr. Crawford.

Seventeenth Congress—first session.

IN THE SENATE.

May 2. In addition to the brief notices of business transacted, inserted in our last paper, the following took place.

Several bills were passed and others ordered to a third reading, but it is unnecessary to give their titles now, as the list of acts, when published, will shew the final disposition of them. The bill from the house to authorize the appointment of deputy collectors of the customs, was rejected.

Mr. *Smith* laid on the table an amendment of the rules, to prohibit the vote of any member from being received or entered on the journal, who shall not be in his seat when the yeas and nays are taken.

Three bills were received from the house of representatives—among them one further to regulate the post office department; which were severally referred.

After which the senate spent some time in the consideration of executive business, and then adjourned.

May 3. In the course of this day the following bills were passed and sent to the house of representatives—

For the disposition of certain special deposits; to relieve the people of Florida of the operation of certain ordinances; and several others were ordered to a third reading.

The bill respecting incorporated companies for steam ships and vessels, was rejected.

The bill authorizing the erection of toll gates on the Cumberland road, and making an appropriation of 9000 dollars for the repair of said road, was read the third time.

Mr. *Barbour* rose, and, in an able speech, supported the bill—he argued the constitutionality as well as the expediency of it; supporting the power by the grants of the states to complete, establish and regulate the road—and the latter by the great utility of it, &c. Mr. *King*, of N. Y. followed, and said he had never entertained a doubt of the right of congress to appropriate money for roads and canals, &c.

The question was then taken on the passage of the bill, and it was decided in the affirmative, as follows:

YEAS—Messrs. Barbour, Barton, Brown, of Ohio, Chandler, Dickerson, Eaton, Edwards, Findlay, Holmes, of Me. Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of N. Y. Knight, Landman, Lowrie, Morrill, Palmer, Parrott, Phasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Ware, Williams, of Miss. Williams, of Tenn.—29.

NAYS—Messrs. Benton, Gaillard, King, of Alab. Macon, Smith, Stokes, Walker,—7.

Some minor matters and an attention to executive business occupied the remainder of the day.

May 4. The bill to extend the charter of the Mechanics bank of Alexandria, was ordered to a third reading.

The senate took up the bill from the house of representatives further to regulate the post office establishment.

Mr. *Stokes* stated, that he was instructed by the committee on the post office and post roads, to move that the bill be indefinitely postponed. The bill, he said, contained some valuable provisions, but it was so loosely drawn, and was so defective in other respects, that it would require much amendment of detail, which there was not time now to enter into.

After some remarks from several gentlemen, the bill was indefinitely postponed, by a large majority.

The following bills were passed and returned to the other house: to provide for the disposal of public lands in the state of Mississippi; to relieve certain

insolvent debtors; to explain the act for the relief of R. O'Brien; to confirm the title of A. Dibreu and S. Hancock in a tract of land.

Some other business being transacted, the senate adjourned to 6 o'clock this afternoon.

Evening sitting. The engrossed bill, authorizing the purchase of 200 copies of Davis and Force's edition of the 6th volume of the laws of the United States, being at its third reading, and on the question of reading it a third time to-day; it was objected to by Mr. *Macon*, and, as it requires the unanimous consent of the senate to read a bill twice on the same day, the bill was of course rejected.

Eighteen bills for the allowance of private claims, were received from the house of representatives for concurrence, severally twice read and referred to the appropriate committees.

The senate took up the amendments of the house of representatives to the bill in addition to the act concerning navigation, and concurred therein.

The remainder of the sitting was consumed in receiving, reading, and referring the other bills which passed the house of representatives this evening, and on executive business.

May 6. The senate was in session this day from 10 o'clock until 4, and from 6 to 10 in the evening. All the bills received from the other house on Saturday had been referred, and such as have passed will hereafter appear in the list of acts—a few of them were indefinitely postponed, *alias* rejected. All these were on account of private claims.

The bill making appropriations for the military service, was reported by the committee on finance with some amendments, the only material one of which was a proviso that the appropriation for continuing the fortification on the Rip Raps, (fort Calhoun), shall not be regarded as confirming the contract with Elijah Mix. This amendment was agreed to by the senate without a division.

Mr. *Thomas* offered an additional section, proposing to insert in the bill an appropriation of 9000 dollars for repairing the Cumberland road.

This amendment was opposed by Messrs. *Holmes*, of Maine, *Lowrie*, and *King*, of N. Y. and was advocated by Messrs. *Thomas* and *Talbot*, and was adopted, yeas 23, noes 10.

May 7. The following resolution, offered yesterday by Mr. *Benton*, was taken up and agreed to, viz:

Resolved, That the president of the United States be requested to communicate to the senate, at the commencement of the next session of congress, any information which may be in the possession of the government, derived from special agents or otherwise, shewing the number, value, and position of the copper mines on the south shore of lake Superior, the names of the Indian tribes who claim them, the practicability of extinguishing their title, and the probable advantage which may result to the republic from the acquisition and working of these mines.

The following resolution, submitted yesterday by Mr. *Parrott*, was also taken up and agreed to:

Resolved, That the president of the United States be requested to cause to be laid before the senate, at the commencement of the next session of congress, the amount of all sums of money collected, under the authority of any law, or laws, of the state of Georgia, (to which the assent of congress may have been given) imposing a tonnage duty on ships and vessels in the ports of Savannah and St. Mary's, and the manner in which such sums of money have been expended.

The senate proceeded with the consideration of the bills heretofore received from the house of representatives for concurrence, and continued thus engaged, with the exception of a recess of two hours, until quite late at night. All the bills were acted on, and all passed, not heretofore noticed, with the following exceptions:

The bill to extend the charter of the Mechanics' bank of Alexandria was, after further discussion, indefinitely postponed—yeas 17, noes 12.

The bill to incorporate the inhabitants of Georgetown, D. C. was, also, after some debate, indefinitely postponed.

The following bills were also severally rejected by being laid on the table, or indefinitely postponed.

For the relief of Joshua Bennett; to repeal part of an act of the state of Maryland of 1784, relative to an addition to Georgetown; for the relief of Benjamin Desobry, concerning invalid pensioners; for the relief of London Case.

The amendment of the senate to the military appropriation bill, relative to the Cumberland road, and to the contract of Elijah Mix, both of which were disagreed to by the house of representatives, were receded from by the senate, without a division.

May 8. Nearly all the bills that then had been received from the house of representatives, were passed yesterday or to-day. *As a correct list of the acts may be expected in the next REGISTER, we do not deem it necessary to give a list of those just now passed in the senate.*

Mr. Benton, after a speech, which shall inserted in our next, submitted a resolution respecting the legality of certain leases of lead mines in Missouri.

The senate went into the consideration of executive business, and so continued until half past 2 o'clock, when the committee appointed to wait on the president having reported that he had nothing to communicate, the senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

Thursday, May 2. [Additional particulars of the days proceedings.] Mr. Warfield delivered in the following report:

The committee to whom was referred the resolution instructing them to report the best mode, in their opinion, of giving to the public a full and correct statement of the debates and proceedings of this house, report, that they have taken the same into consideration, and are of opinion that the government of the United States, being a government which essentially depends upon public opinion, it is a consideration of the first importance that the course pursued by the immediate representatives of the people in congress should be impartially presented to the public view. Whether it will be practicable to give a minute account of the debates and proceedings of congress on all the various subjects that may arise, your committee will not undertake to decide. But they consider a rigid adherence to fact, in whatever is published of the proceedings of congress, as indispensable: that whenever a part of a debate is published, the whole should be published, as well as the arguments on the one side of the question as the arguments on the other side, and the proceedings faithfully given to the public. Your committee therefore submit the following resolution:

Resolved, That the speaker be requested to receive, during the approaching recess of congress, proposals for reporting and publishing from day to day, a correct account of the debates and proceedings of the house of representatives, and to submit the same to the consideration of the house at the commencement of the next session.

Mr. Little moved to lay the resolution on the table.—The motion was negatived.

The question being then stated on agreeing to the report—

Mr. Little then rose and objected to the measure which would involve a considerable expenditure of money. He thought it best to leave the matter where it now stands: he did not think that the country was prepared to expend 20 or 30,000 dollars on publishing the debates, &c. Mr. Warfield

replied that the committee had not entertained an idea that the proposed publication of the debates would be expensive, &c. The report was laid on the table—ayes 71.

The house refused to consider the bill in relation to the taking up of fugitive slaves.

The bill to establish certain post roads and discontinue others was taken up, and acted upon.

The following message was received from the president of the United States:

To the house of representatives of the United States.

In the message to both houses of congress, at the commencement of their present session, it was mentioned that the government of Norway had issued an ordinance for admitting the vessels of the United States and their cargoes into the ports of that kingdom, upon the payment of no other or higher duties than are paid by Norwegian vessels, of whatever articles the said cargoes may consist, and from whatever ports the vessels laden with them may come.

In communicating this ordinance to the government of the United States, that of Norway has requested the benefit of a similar and reciprocal provision for the vessels of Norway and their cargoes, which may enter the ports of the United States.

This provision being within the competency only of the legislative authority of congress, I communicate to them, herewith, copies of the communications received from the Norwegian government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

Washington, 1st. May, 1822.

The message with the accompanying documents, were referred to the committee on commerce.

Several bills were passed—among them that for the further regulation of the post office department.

The military appropriation bill occupied much time in the consideration of different amendments proposed, some of which were agreed to. There was a spirited debate on the appropriation of about 19,000 dollars for the payment of the expenses incurred by courts martial in New York, but the item was retained 134 to 15. The nays were Messrs. Bassett, Butler, Cocke, Dickinson, Floyd, Gilmer, McCoy, Matson, Moore, of Va. Nelson, of Mass. Nelson, of Md. Patterson, of N. Y. Williams of N. C. Williams, of Va. and Wright.

Mr. Cocke moved to strike out the appropriation for fort Calhoun, (it being now in order, as an affirmative proposition,) and he again adverted to the considerations that should influence a decision upon it.

Mr. Butler was in favor of the motion, because it would operate as a suspension though not a decision upon the contract, and the public would not suffer by the delay.

The motion to strike out was further supported by Messrs. Campbell, of Ohio, Mallary, Fuller, F. Jones, Cocke, and Cuthbert, and opposed by Messrs. Bassett, McDuffie, Farrelly, Alex. Smyth, and Baldwin, but at 4 past 6 o'clock, and before any question was taken thereon, the house adjourned.

Friday, May 3. Mr. Wool, from the committee on the expenditures in the department of state, made the following report thereon:

The committee on so much of the public accounts and expenditures as relates to the department of state,

Report, That the manner in which the moneys appropriated to the department of state, or made subject to the control of the secretary, are drawn

and expended, will be seen by a communication made to the committee by the secretary, and which is annexed to this report.

It will be seen by the estimate of the secretary of the treasury, that most of the appropriations made to this department, for the year 1821, which have been drawn and expended, are specific in their nature and amount. The committee therefore have directed their attention principally to an examination of the accounts of the expenditures of the contingent appropriations for the year past, as far as they deemed it necessary, and the same was practicable.

None of the appropriations for the contingent expenses of foreign intercourse, intercourse with the Barbary powers, and for the relief of seamen, made at the last session of congress, have been drawn or expended. The balances of former appropriations have been more than sufficient for their expenses.

Of the contingent expenses of our ministers abroad, entire returns have only been received from the minister at London. The contingent expenses of that mission for the year past, amounted to the sum of nine hundred forty-four dollars, and sixty-one cents; the objects of expenditure are such as are incident to the office, and are considerable in number and amount. The accounts are regularly kept, and certified by the secretary of legation, and the committee were informed at the treasury, that the accounts of all the ministers of the United States are required to be kept and certified in the same manner.

The moneys appropriated for the relief of distressed American seamen in foreign countries, are expended by the American consuls, and the accounts are regularly entered, receipts are taken and witnessed, and the whole certified by the consul.

The expenditure of the moneys appropriated for the contingent expenses of the department, is confided to one of the clerks of the department. These contingencies embrace the advertising, printing, and distribution of the laws of the United States; books and maps for the use of the department; newspapers for our ministers in foreign countries; the translation of foreign languages; stationery, printing, and necessities for that office, and for the patent office.

The committee have examined the accounts of these expenditures, &c. &c. with the vouchers for the said accounts, as far as they judged necessary.

The objects of expenditure appear to be such as are necessary to the execution of the duties of the department, and must therefore be authorized by law. The expenditure is within the appropriation, and is supported by sufficient vouchers. The accounts are regularly kept; the expenditures appear to be made with fidelity and economy, and the committee are unable to suggest any subject of retrenchment compatible with the public service.

The report was read; and, on motion of Mr. Tomlinson, was ordered to be laid on the table.

Mr. Sergeant earnestly urged the passage of a bill to exempt John Mitchell, now a clerk in one of the departments, from the operation of a provision in the appropriation bill lately past, which forbids the payment of money to any one who stands charged on the public books. He stated the case at length, and it is evidently a very hard one. After debate—the bill was laid on the table 64 to 54; the

house being unwilling to invalidate the provision and open the way for similar applications.

The following message was received from the president of the United States:

To the house of representatives of the United States:

I herewith transmit to congress copies of letters received at the department of state, from the minister of Great Britain, on the subject of the duties, discriminating between imported, rolled and hammered iron.

I recommend them particularly to the consideration of congress, believing that, although there may be ground for controversy, with regard to the application of the engagements of the treaty to the case, yet a liberal construction of those engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

Washington, May 1, 1822.

The message with the accompanying documents, was referred to the committee of ways and means, and ordered to be printed.

The bill from the senate transferring to the state of Pennsylvania the proceeds of certain militia fines, was passed, as was also the bill to establish certain roads and discontinue others.

The house having resumed the consideration of the bill, making certain appropriations for the military service, the question recurred upon the motion of Mr. Cocke, to strike out the appropriation of \$50,000 for fort Calhoun.

The previous question was called for and sustained, and the question on its engrossment was decided by yeas and nays—for it 131, against it 20. The yeas were—

Messrs. Baylies, Burrows, Butler, Campbell, of Ohio, Cannon, Chambers, Cocke, Crafts, Edwards, of N. C. Eustis, Floyd, F. Johnson, Keyes, Kirkland, Long, Mallary, Matlack, Metcalfe, Ross, Williams, of N. C.

The bills making an appropriation for Indian annuities, and to abolish the United States trading establishment with the Indian tribes, were ordered to a third reading [and passed next day.]

The compensation bill was laid on the table, by a large majority. The house then, in committee, spent some time on the bill to prohibit advances of the public money—some amendments were proposed, and the committee rose without coming to any determination. The bill declaring the assent of congress to a certain act of the state of South Carolina was ordered to a third reading; as was also the bill to fix the salary of the commissioner of the public buildings, at \$2,000. [Passed the next day.]

Saturday, May 4. A great deal of business was transacted this day—the house was in committee of the whole no less than twenty-two times, including the evening sitting: the following are the names of the gentlemen that were in the chair on different subjects—Mr. Lathrop, Mr. Hill, (three times) Mr. Bateman, Mr. Edwards, of N. C. Mr. Dwight (twice) Mr. Cocke, Mr. McCoy, Mr. Hardin, Mr. Little, Mr. Vance, Mr. Tracy, Mr. Walworth, Mr. Campbell, (twice) Mr. Tomlinson, Mr. Nelson, of Va. Mr. Baldwin, Mr. Mallary and Mr. Sergeant.

The bill concerning navigation was reported with an amendment and passed—that to authorize the location of certain school-lands in Indiana, was ordered to a third reading—the house refused to consider the bill to reduce and fix the military peace establishment—the bill to regulate trade and

intercourse with the Indian tribes was ordered to a third reading. Then—

The following message was received from the president of the United States:

To the house of representatives of the United States:

In compliance with a resolution of the house of representatives, of the 19th of April, requesting the president "to cause to be communicated to the house, if not injurious to the public interest, any letter which may have been received from Jonathan Russell one of the ministers who concluded the treaty of Ghent, in conformity with the indications contained in his letter of 25th of December, 1814," I have to state that, having referred the resolution to the secretary of state, and it appearing, by a report from him, that no such document had been deposited among the archives of the department, I examined and found among my private papers a letter of that description, marked private by himself. I transmit a copy of the report of the secretary of state, by which it appears that Mr. Russell, on being apprized that the document referred to by the resolution had not been deposited in the department of state, delivered there "a paper purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then secretary of state, to be communicated to the house, as the letter called for by the resolution.

On the perusal of the document called for, I find that it communicates a difference of opinion between Mr. Russell and a majority of his colleagues, in certain transactions which occurred in the negotiations at Ghent, touching interests which have been since 'satisfactorily adjusted by treaty, between the United States and Great Britain. The view which Mr. Russell presents of his own conduct, and that of his colleagues, in those transactions, will, it is presumed, call from the two surviving members of that mission, who differed from him, a reply, containing their view of those transactions, and of the conduct of the parties in them, and who, should his letter be communicated to the house of representatives, will also claim that their reply should be communicated in like manner by the executive—a claim which, on the principle of equal justice, could not be resisted. The secretary of state, one of the ministers referred to, has already expressed a desire that Mr. Russell's letter should be communicated, and that I would transmit, at the same time, a communication from him respecting it.

On full consideration of the subject, I have thought it would be improper for the executive to communicate the letter called for, unless the house, on a knowledge of these circumstances, should desire it; in which case the document called for shall be communicated, accompanied by a report from the secretary of state, as above suggested. I have directed a copy to be delivered to Mr. Russell, to be disposed of as he may think proper, and have caused the original to be deposited in the department of state, with instructions to deliver a copy to any person who may be interested.

JAMES MONROE.

Washington, May 4th, 1822.

DEPARTMENT OF STATE,

Washington, May 3, 1822.

The secretary of state, to whom was referred the resolution of the house of representatives of the 19th ultimo, requesting the president "to cause to be communicated to the house, if not injurious to the public good, any letter or communication which

may have been received from Jonathan Russell, esquire, one of the ministers of the United States, who concluded the treaty of Ghent, after the signature of that treaty, and which was written in conformity to the indications contained in said minister's letter, dated at Ghent, 22th of December, 1814," has the honor of reporting to the president, that, until after the adoption of the said resolution by the house, there was upon the files of the department of state no letter from Mr. Russell, of the description mentioned therein; but that Mr. Russell himself has since delivered at the department a communication, purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then secretary of state, to be communicated to the house, as the letter called for by their resolution.

A copy of this paper is herewith submitted to the president. JOHN QUINCY ADAMS.

On motion of Mr. Taylor, the message was ordered to be laid on the table.

The speaker laid before the house a communication from the treasury department, relative to the proceedings, &c. of John Brahan, late receiver of public moneys at Huntsville, Alabama; which, with the documents accompanying the same, was ordered to be laid on the table.

A bill from the senate for the disposal of certain special deposits, was twice read; and

Mr. Milnor moved that it should be postponed until December next. Mr. Hardin spoke of the necessity of its passage to enable the secretary of the treasury to make certain arrangements before it was too late—the bill forbids the disposal of those funds at a rate lower than par, and the business was to be done with the approbation of the president. Mr. Cook contended that Mr. H. was wrong in his premises when he stated that the debts due by these banks were in the nature of special deposits in their vaults. No part of the 152,000 due by the bank of St. Louis was of that character, but as that of specie deposited therein. Mr. C. entered into a detail of the manner in which these debts had arisen—he spoke of the 168,000 due by the bank of Vincennes, and mentioned that certain bonds given by the state of Indiana to that bank, had been transferred to the United States; that the governor was ready to pay them, but in the notes of said bank, which were not worth a farthing, &c. He thought there was no necessity for the bill, and also that it was inexpedient to pass it. At length, the bill was laid on the table.

A bill from the senate to abolish the United States' trading establishments with the Indian tribes, was read a third time.

Mr. Milnor required the yeas and nays on its passage, but the call was not supported, and the bill then passed without debate.

The engrossed bill making further appropriations for the military service of the United States for the year 1822, was read a third time.

Mr. Wright rose and said, he voted against the appropriation of the 19,000 dollars to pay the militia courts martial in New York during the late war; and he felt it due to himself, said he, briefly to assign the reason. These culprits were moved and seduced, by the instigation of the Devil and the Hartford convention, treasonably to desert the standard of their country, and not to do their duty: They themselves ought to have paid the cost. We have no such charge in Maryland, and it may be a question whether the court martial ought to be paid at all, as I do not understand that any of these culprits suffered death.

The bill was then passed, and sent to the senate for concurrence.

Mr. Tomlinson moved to re-consider the bill for the relief of certain persons who have paid duties on goods imported into Castine—but the motion was negatived: it was afterwards taken up, but laid on the table.

Many private bills were ordered to be laid on the table.

The following message was received from the president of the United States:

To the house of representatives:

Having duly considered the bill, entitled "an act for the preservation and repair of the Cumberland road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage, and to return the bill to the house of representatives, in which it originated, under a conviction that congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of the tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons, passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries: and, if it exist as to one road, it exists as to any other, and to as many roads as congress may think proper to establish. A right to legislate for one of these purposes, is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty, for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in congress to make appropriations, under which power, with the consent of the states through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that congress do not possess this power—that the states, individually, cannot grant it; for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty, by special compacts with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exist, it must be, either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

1st. From the right to establish post offices and post roads. 2nd. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. 6th, and lastly. From the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment, it cannot be derived

from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion, that the United States do not possess the power in question, and to suggest, for the consideration of congress, the propriety of recommending to the states an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed, is not such as I should have given it, had it been intended for congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

Washington, May 4th, 1821.

Mr. Taylor moved that the message, and the bill be laid on the table, which was carried—ayes 82.

The bill for the relief of Robert Purdy was laid on the table, as was also the bill to incorporate the U. States naval Fraternal Association, the ground of objection being against the general exercise of the power of incorporation. Many other bills were laid on the table.

An additional message from the president of the United States, in relation to the message this day presented on the subject of the Cumberland road, was received; and, on motion of Mr. Ross, was ordered to be laid on the table and printed.

[This additional message embraces, at great length, the views of the president on the subject of internal improvement generally—which shall, of course, be presented in the REGISTER.]

In addition to those already mentioned, the following bills were passed: to provide for annuities to certain Indian tribes; to fix the compensation of the commissioner of the public buildings; for the relief of William Henderson; to authorize the location of certain school-lands in Indiana; for the relief of Isaac Collier; for the relief of John M. Moody and Samuel Moody; for the relief of William Bartlett; for the relief of Nathan Branson; for the relief of Trappan Jahucke and Co. for the relief of Alexander Roddy; for the relief of John Stearns and Nathaniel Carver; for the relief of David Cummings; for the relief of William N. Earle; for the relief of Charles A. Swearingen; for the relief of the heirs of Edward McCarty dec. for the relief of Solomon Prevost; for the relief of the representatives of John Girault; for the relief of John Byers; for the relief of the representatives of John Guthrie; for the relief of Anthony Kennedy; for the relief of Sally Vance; to require surveyors to give security; for the release of Amos Muzzy and Benjamin White; for the relief of John Post; for the relief of Farley Fuller; for the relief John Matteson; for the relief of Edward King and William Smilie; concerning invalid pensioners; for the relief of James Brisbane and Jonah Lewis; for the relief of William Thompson; confirming the claims to certain lots in the town of Mobile and land claims in Florida; for the relief of Susan Burzat widow, and the legal re-

representatives of the late Gabriel Burzat dec. for the relief of Jas. Peirce; for the relief of Peter Cadwell and James Britten; for the relief of Charles Campbell; for the relief of William Gwynn; for the relief of Loudon Case; for the relief of James Miller, John C. Elliott, and others, sureties of John H. Alley; to issue letters patent to Theoderick S. Warbang and others; for the relief of Joseph Bainbridge; for the relief of Stephen Howard jun. for the relief of Benjamin Desobry; to authorize the delivery of certain rifles to the young volunteers at Plattsburg; for the relief of Benjamin Stephenson; for the relief of Samuel N. Walker, and others; for the benefit of James Barron; for the relief of Henry Lee; for the relief of William R. Maddox; to authorize the payment of certain certificates; respecting the sale of water lots in Georgetown, and to incorporate the inhabitants of Georgetown; for the relief of Jno. Crute; for the relief of the representatives of Maria Therese; for the relief of Joshua Cannon, and R. and F. Hickman; for the relief of Joshua Bennett; to explain the act for the relief of sundry inhabitants of Baltimore; vesting in the commissioners of the counties of Wood and Sandusky, the right to certain lots in the town of Perrysburg and Croghansville, in Ohio, and for other purposes; for the relief of Samuel Ewings; for the relief of William Dooley.

The following bill, which originated in the senate, was also passed; to regulate the trade and intercourse with the Indian tribes.

✂ This day being the last in which the bills could pass the house in which they originated—an adjournment took place at 4 o'clock and an evening sitting commenced at 6, which lasted until after eleven at night—the proceedings are included in the statement given above.

Monday, May 6. Mr. Wood submitted the following resolution:

Resolved, That the architect of the public buildings be authorized, in conjunction with the clerk of this house, to make such necessary repairs for the improvement of the hall of the house of representatives as they may deem necessary to facilitate the means of speaking and hearing.

After some explanations from Mr. Wood and remarks by Mr. Keys, the house refused to agree to the resolution.

Mr. Stewart submitted the following resolution:

Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of authorizing the sale of the whole or a part of the public lots and grounds in the city of Washington, and vesting the proceeds of such sale, as stock, in a company incorporated within the District of Columbia, to co-operate with Virginia and Maryland, in the improvement of the navigation of the Potomac river, from tide-water at this city, to Cumberland, in the state of Maryland.

Mr. Condict called for the question of consideration thereon, when it was decided in the negative. So the house refused to consider it.

Mr. Floyd submitted the following resolution, which was ordered to be laid on the table:

Resolved, That the president of the United States be requested to cause a report to be made to this house, at an early period of the next session of congress, showing the number and local position of each of the armories, arsenals, and magazines of the United States: the time at which each was established, and the total expense of constructing and repairing the same, up to the end of the year 1821. Also, the whole number of cannon and other arms made annually at each armory and arsenal, from its establishment to the end of the said year. Also, an exhibit, in detail, of the expenses of each armory and arsenal, for each year, from 1816 to 1821, inclusive—showing, first, the gross amount of money expended at each within each year; second, the separate object to which the expenditure was applied; third, the contracts and purchases made at each, within each year, by whom and with whom—whether publicly or privately, with or without public notice—for what articles or materials—the amount of each contract for all purchases, and the amount given therefor; the names of all concerned, as principals, agents and securities; their place of residence, and the failures which may have occurred in any contract; fourth, the whole number of arms and equipments transmitted to each state and territory in the union, under the act of congress for arming the whole body of the militia of the United States; fifth, the whole number of cannon, arms, equipments, and munitions

of war of every kind, distinguishing the different kinds now belonging to the United States, and where placed; sixth, the annual expense of transporting ordnance and ordnance stores from the places at which they were made or purchased in the Atlantic states, to the places at which they were to be delivered or used, in the western states or territories—specifying the several descriptions of arms and munitions so transported, and the cost thereof where purchased. The whole so arranged as to exhibit clearly the annual expenditure of the annual appropriation for each specific object.

On motion of Mr. Hemphill, the committee on roads and canals were discharged from all petitions and other matters before them.

In committee of the whole, Mr. *Darlington* in the chair, the bills from the senate for the relief of the representatives of Joseph Hodgson, for the relief of the sureties of Joseph Pettypool, and for the relief of the representatives of Greenbury H. Murphy, were considered, reported, and ordered to a third reading, and afterwards passed.

The bills for the relief of John Donnelson and John Coffee, (for extra allowances as surveyor-generals), were laid on the table.

The house then, on motion of Mr. *Floyd*, took up, and read the third time, the bill from the senate to repeal the 14th section of the act of last session reducing the army; and, after an explanatory remark from Mr. F. as to the practical operation of the rules and regulations adopted by the said 14th section, the bill was passed.

The bill granting a tract of land to William Connor, his wife and children, (promised by the agents of the treaty at St. Marys), for the relief of Richard Matson, and to authorize the payment of a certain sum of money to Thomas Shields, were severally ordered, after some opposition, to a third reading, and afterwards passed.

The following message was received from the president of the United States, which, with the accompanying documents, was ordered to be laid on the table:

I transmit to congress translations of two letters from Don Joaquin de Anduaga to the secretary of state, which have been received at the department of state since my last message, communicating copies of his correspondence with this government.

JAMES MONROE.

Washington, 6th May, 1822.

The house then went into a committee of the whole, (Mr. *Walworth* in the chair), on the bill from the senate to provide for the collection of duties on imports and tonnage in Florida, and for other purposes; a bill to authorize the building of light houses therein mentioned, and for other purposes; and a bill further to establish the compensation of the collectors of the customs, and to alter certain collection districts, and for other purposes.

After some time, the two former bills were concurred in and ordered to a third reading—but the committee was refused leave to sit again on the latter bill: a motion to lay it on the table did not prevail. The house then took up the various amendments, proposed by the committee on commerce, and, after some other amendments were offered, the previous question was called for and sustained, and the bill, as it was, ordered to a third reading.

Evening sitting. Mr. *Fuller* moved a resolution calling for a copy of the letter of Mr. *Russell*, referred to in the message of the president of the United States of yesterday, together with such communications as may have been received on the subject from any other of the persons composing the mission to Ghent, which resolution, according to the rules of the house, lies on the table one day of course.

Mr. *Sanders*, from the committee appointed to inquire into certain alterations said to have been made in the rules and regulations for the government of the army of the United States, delivered in a report of some length, which concludes with a resolution directing the committee to be discharged from the further consideration of the subject; which report was ordered to lie on the table.

The bill further to establish the compensation of officers of the customs, and to alter and establish certain collection districts, was read a third time as amended in this house. [Which bill was passed, after debate, by yeas and nays, 100 to 35, and sent to the senate for concurrence in the amendments.]

Mr. *Trimble* then moved to postpone the orders of the day, in order to take up the message of the president, returning the bill for erecting toll-gates on the Cumberland road; which motion was agreed to—75 to 46.

So the house proceeded to the consideration of that subject.

Mr. *Bassett*, with a view to such a consideration of the subject, as its importance appeared to him to require, moved to refer the bill and objections to a committee of the whole; but the house refused to commit the bill.

Mr. *Wright* expressed in strong terms, his approbation of the message of the president, particularly on the ground, that, to impose a toll on this particular road, whilst other roads were free, would be an unequal and oppressive tax, &c. He was, however, in favor of keeping this road in repair, at the expense of the United States.

The question was then taken, "Shall this bill pass, notwithstanding the objections of the president of the United States?" and the vote was as follows:

YEAS—Messrs. Barstow, Bateman, Blackledge, Burrows, Campbell, of Ohio, Cassidy, Chambers, Cocke, Cook, Cushman, Cuthbert, Darlington, Demmon, Dickinson, Durfee, Eddy, Edwards, of Conn. Finlary, Fuller, Hardin, Hemphill, Heudricks, Hill, Hooks, Hubbard, Jackson, F. Johnston, Jones, of Tenn. Kirkland, Leltwich, Little, McCarty, McDuffie, Mercer, Metcalfe, Milnor, Montgomery, Moore, of Penn. Moore, of Va. Nale, Newton, Patterson, of Penn. Plumer, of N. H. Plumer, of Penn. Rankin, Reid, of Geo. Rich, Ross, Russ, Saunders, Sawyer, Scott, Sergeant, Sloane, S. Smith, W. Smith, Stewart, Stoddard, Swearingen, Tod, Tomlinson, Trimble, Upham, Vance, Walker, Walworth, Williams, of Va. Woodson—63.

NAYS—Messrs. Speaker, Alexander, Allen, of Mass. Archer, Ball, Bassett, Blair, Borland, Burton, Butler, Cambreleg, Campbell, of N. Y. Cannon, Colden, Comer, Crafts, Crudup, Edwards, of N. C. Eustis, Farrelly, Floyd, Gilmer, Gist, Gross, Harvey, Hawkes, Holart, J. S. Johnson, Jones, of Va. Lincoln, Litchfield, Long, McCoy, McSherry, Mailack, Matson, Mattocks, Mitchell, of Penn. Moore, of Ala. Morgan, Murray, Nelson, of Mass. Nelson, of Va. Overstreet, Patterson, of N. Y. Phillips, Pitcher, Reed, of Mass. Reed, of Md. Rhea, Rogers, Ruggles, Arth. Smith, Alex. Smyth, Spencer, Sterling, of Conn. Tathall, Taylor, Thompson, Tracy, Tucker, of Va. Tucker, of S. C. Van Wyck, Whipple, White, Williams, of N. C. Williamson, Wilson, Wood, Woodcock, Worman, Wright—72.

Two thirds of all the members being required to carry this question, and a majority having voted against it, it was of course not carried; and the bill was rejected.

A bill from the senate to authorize the building of light houses therein named, and for other purposes, was read a third time and sent to the senate for concurrence in the amendments made thereto in this house.

The engrossed bill making further appropriations for the military service of the United States, for the year 1852, having been returned to this house with sundry amendments, whereof the first was that of the appropriation of \$50,000 for fort Calhoun should not be understood as confirming the contract of Elijah Mix—and the said amendment being under consideration—

Mr. *Walworth* moved that this house do disagree to the amendment of the senate.

This motion gave rise to a good deal of debate. Finally, the amendment was disagreed to by a large majority; and the amendment to the same bill, appropriating 9,000 dollars for repairs of the Cumberland road, was also disagreed to.

Tuesday, May 7. Unfavorable reports were received on the petition of William Lancaster and on that of Josiah Jennings.

Mr. *Sergeant* from the judiciary committee, to whom was referred a bill from the senate to relieve the people of Florida from certain ordinances, reported the same without amendment; which was ordered to a third reading.

In the course of the sittings the following bills were postponed or laid on the table—alias rejected: for the relief of Clarence Milford and Joseph D. Boyd; for the relief of Josiah Hook, jun.; about the claim of the marquis de Maison Rouge; for the relief of Samuel H. Walley and Henry D. Foster; for the relief of Andrew Mitchell; for the relief of Jacob Babbitt, and that for the relief of James H. Clark.

The house refused to print the report and documents concerning certain loans of powder and lead: it appeared that a majority of the committee had been really opposed to the report—4 against 3; that at a meeting held that morning, 3 out of 5 who attended, had agreed to it. A consideration of the report was also refused.

The resolution laid upon the table yesterday by Mr. *Floyd*, calling for information from the president of the United States respecting the condition of the public armories, arsenals, their cost, &c. &c. was taken up.

Mr. *Floyd* observed that this was an important subject, with the nature and extent of which, neither himself, nor, he believed he might add, the house, was well acquainted. From the year 1816, about \$200,000 had been annually appropriated for our armories, but how it was applied, and whether and how far the militia had been armed in consequence of it, he was not prepared to say, and wished to be informed. The largest army on earth, he observed, of men, women, children and sutlers, might have been armed from the appropriations that had been made for this object.

Mr. *Smith*, of Md. made some explanation of the subject, in which he expressed his entire conviction that the armories of the United States had been managed with fidelity, ability, and economy. Yet, for the satisfaction of gentlemen, he had no objection to the resolution.

Mr. *Floyd* observed, in reply, that he had no objection to the arms. They were the best, in point of skill, and strength, and workmanship, he ever saw; but he thought it expedient and necessary to obtain further information on this important subject.

The resolution laid upon the table yesterday by Mr. *Fuller*, calling for information from the president of the United States, in relation to a letter from Jonathan Russell, esq. late a commissioner to conclude the treaty of Ghent, referred to in a late message from the president, was then taken up.

After some conversation between Mr. *Floyd*, Mr. *Fuller*, and Mr. *Cocke*, as to the propriety of again asking for that paper, which the president had deferred to furnish, [see the message]—

The question on adopting Mr. *Fuller's* motion was finally agreed to without a division.

Mr. *Sawyer* again moved to take up the joint resolution proposing an earlier day for the commence-

ment of the next session of congress, but the house refused to consider the same.

Mr. *Cocke* then moved that the house now proceed to the consideration of the resolution proposing the appointment of a committee to sit during the recess of congress, to examine into the different departments of the government; but the house refused to consider the same.

Mr. *Cook* laid upon the table the following:

Resolved, That the secretary of the treasury be directed to prepare and lay before this house, as early in the next session as may be practicable, a statement, shewing the amount of money which appears to have stood to the credit of the United States, or its treasurers, in every bank in which the public money has been deposited, at the end of each quarter, since the 1st day of January, 1817, distinguishing between special and general deposits; a particular and minute account of each transfer of the public money from one bank to another, which has been made within the afore said period, and the reasons and motives for making the same; a detailed account of the special deposits that have been made in any of the banks; the time when made, the description of the notes so deposited, and the reason for making the same, together with any contract or contracts under which these deposits were made.

The precise amount, and exact description of the unavailable funds of the treasury; what part thereof was unavailable at the time of deposit; how long any part thereof remained on deposit before it became unavailable, and why it became so; shewing the respective accounts and relations of the United States with each bank, together with all correspondence in possession of the department with each of these banks, in relation to any of the foregoing subjects.

Mr. *Tucker*, of South Carolina, moved that when the house adjourns to-day, it adjourns to meet at 6 o'clock to-morrow. This motion was opposed by Mr. *Taylor*, but was *carried*—yeas 68, nays 33.

Mr. *Newton*, of Va. submitted resolutions for making certain allowances to the messengers of this house for extra services, and also to the youths employed in the service of the house, on the floor of the house; which, after some conversation and amendment, were agreed to.

Mr. *Reed*, of Maryland, called for the consideration of the resolutions submitted by him some days ago, calling on the secretaries of the departments, and the postmaster-general, for an account of the situation of their respective offices, &c. to be reported at the next session of congress; but the house refused to consider the same.

Mr. *F. Johnson* called for the consideration of the resolutions some time ago submitted by him; and the house agreed to consider the same—60 to 44.

The first resolution was read in the following words:

Resolved, That the practice which has obtained in the public offices in this city, (of not attending to business until 9 or 10 o'clock in the morning, and closing the offices at 3 o'clock in the evening), is inconvenient to those who have business to transact in them, is not such reasonable attention to the public service as should be given, nor such attention as the salaries allowed by law are entitled to command, and that the said practice ought to be abolished.

The question on this resolution was taken without debate, and decided in the affirmative by a majority of 20 or 30 votes.

The second resolution was read in the following words:

Resolved, That the president of the United States be requested to cause the respective secretaries of state, of the treasury, of war, and of the navy, and the postmaster-general, to report to this house, on the second day of the next session of congress, the number of active and well qualified clerks, and accountants, that will be necessary to perform the duties of their respective offices and departments, by requiring a reasonably constant and diligent attention to business.

This resolution was agreed to by about the same majority as the first.

The third and fourth resolutions were modified by the mover so as to read as follows:

Resolved, That the number of officers and seamen of the navy of the United States ought to be limited by law.

Resolved, That the president of the United States be requested to cause to be laid before this house, on the second day of the next session of congress, a plan for a peace establishment of the navy of the United States, and also of the marine corps.

These resolves were also agreed to by about the same majority.

Mr. *Taylor* submitted the following order, which was adopted:

Ordered, That the clerk of this house cause to be prepared and printed, for the use of the members, a list of all business remaining undetermined, which, by the existing rule, is to be resumed and acted upon at the next session of congress, designating bills, reports, and resolutions, committed, from those laid upon the table.

Mr. *Chambers* called for the consideration of a bill from the senate to authorize the selection of a suitable site for a national armory on the western waters; but the house refused to consider the same.

On motion of Mr. *Kent*, the house took up the bill to enable the corporation of Washington to drain certain low grounds, which was passed during the day. This is an important bill to the people of that city.

A call of the house was demanded, but a quorum appeared.

A bill to relieve the people of the territory of Florida, from the operation of certain ordinances, was read a third time and passed.

Mr. *Butler*, from the select committee, to whom was referred the resolution in relation to the *Tip Rap* contract, made a report thereon, concluding with the following resolve:

Resolved, That further appropriations to be expended under the contract made by the engineer department with Elijah Mix, ought not to be made.

The report, with the documents, was ordered to be laid on the table and printed.

A message was received from the president of the United States in relation to the lead mines of Missouri, which, on motion of Mr. *Scott*, was ordered to be laid on the table and printed.

The following bills (in addition to those more particularly mentioned) were passed: for the relief of John Holmes; for the relief of Samuel Walker; for the relief of Matthew M'Nair; granting the pre-emption right of certain lands to Noble Osborne and William Doake; for the relief of the Planter's and Farmer's bank of New Orleans; and to authorize the payment of a sum of money of John Goodwin and James Williams; for ascertaining claims and titles to land in the territory of Florida; to establish certain land offices in Indiana; supplementary to the act for establishing land offices, &c. in the district east of New Orleans.

At the commencement of the *evening sitting*, (6 o'clock) Mr. *Rhea* gave notice that he would move a call of the house at 10 o'clock to-morrow.

The following message was received from the president of the United States:

To the house of representatives:

In compliance with a resolution of the house of representatives, of the 7th of May, requesting the president of the United States "to communicate to that house the letter of Jonathan Russell, esq. referred to in his message of the 4th inst. together with such communications as he may have received relative thereto, from any of the other ministers of the United States who negotiated the treaty of Ghent," I herewith transmit a report from the secretary of state, with the documents called for by that resolution.

JAMES MONROE.

Washington, May 7, 1822.

Department of state, Washington, May 7, 1822.

The secretary of state has the honor of transmitting to the president of the United States his remarks upon the paper deposited at the department of state on the 22d of last month, by Jonathan Russell, late one of the plenipotentiaries of the United States at the negotiation of Ghent, to be communicated to the house of representatives, as the letter called for by their resolution of the 19th of that month: and the secretary of state re-

spectfully requests that the president would transmit to the house of representatives these remarks, together with the above mentioned communication of Mr. Russell, on the renewal of the call therefor by the house.

JOHN QUINCY ADAMS.

The message and documents were ordered to be printed. The papers are of considerable length, but, having been considerably talked of, shall hereafter be published at large.

The following message also was received from the president of the United States:

To the house of representatives:

In compliance with a resolution of the house of representatives, of the 23d of April, requesting the president of the United States to cause to be communicated to that house certain information respecting the lead mines of the state of Missouri, I herewith transmit a report from the secretary of war.

JAMES MONROE.

Washington, May 7th, 1822.

This message was also read and ordered to be printed.

Wednesday, May 8. The house met at 6 o'clock, A. M. according to order, and, it appearing that a quorum was not present, and it being made known to the house that the senate did not meet until 10 o'clock to day, a recess of this house was ordered until ten o'clock.

At 10 o'clock the house re-assembled, and continued in session, with occasional recesses, until all the business which was transacted yesterday was put in form, and the necessary messages interchanged between the president and the two houses.

In the course of the day, the following incidents took place:

Mr. Smith, of Md. delivered in the following report from the committee of ways and means:

The committee of ways and means, to which was referred the president's message of the 2d inst. communicating several letters from Mr. Bagot, Mr. Antrobus and Mr. Canning, in which they reiterate on the part of the British government, against the duty imposed on rolled bar iron, as a violation of the convention made between the United States and Great Britain,

Report. That the committee regret that the few days remaining of the session do not afford time sufficient to give the subject that consideration which its importance requires. They, therefore, decline to express any opinion on its merits, and recommend the subject to the early consideration of the house at the next session.

This report was read and ordered to lie on the table.

On motion of Mr. Mallory, (Mr. Taylor being temporarily in the chair), it was

Resolved, unanimously, That the thanks of this house be presented to the hon. Philip P. Barbour, for the assiduity, promptitude and ability, with which he has administered the duties of the chair during the present session.

Mr. Hill and Mr. Little, were appointed to announce to the president that the house had got through their business, and were ready to adjourn.

The committee having a little before 3 o'clock stated to the house, that the president had informed them he had no further communication to make;

Mr. speaker Barbour rose and addressed the house as follows:

"Gentlemen: At the commencement of the present session, when I was unexpectedly called by you to the chair, I expressed the profound sense of gratitude which I felt for that distinguished mark of your confidence. At the close of the session, I have to acknowledge a new and increased weight of obligation, arising from the resolution which you have this day adopted.

"I should not, under any circumstances, have been vain enough to suppose that I could have passed through the long and laborious session which is just about to be terminated, without falling into some error; still less could I have hoped for it, under the consciousness which I felt of my inexperience

in relation to the duties of my office; if, however, I have erred, I trust it has been in points not material; I know it has been unintentional; and the approbation which you have to-day expressed of my conduct, affords me a gratifying proof, that, whilst you have given me a generous credit for the purity of my motives; whilst you have, with a kind indulgence, overlooked my defects, you have done more than justice to my best efforts to merit your good opinion.

"The recollection of these things will long be considered by me as a source of pleasure; it will add to a sense of duty a new motive to endeavor, by every possible exertion, to acquit myself of the high responsibility of my office, in a manner satisfactory to you. At this moment of approaching separation, permit me to assure you of my friendship and good feelings to you all, and to express the sincere desire, that, upon retiring from the toils of legislation, you may have a safe and happy return to the bosoms of your respective families."

The house then adjourned *sine die*.

Miscellaneous Articles.

ARMY PROMOTIONS. An unpleasant difficulty has taken place between the president and senate, in respect to his nomination and re-nomination of colonels *Townson* and *Gadsden*. The injunction of secrecy has been removed, and the documents are published, but they occupy so much space that we would not insert them in the present sheet without omitting matters of much more immediate interest to our readers. The message of the president, on his re-nomination of these gentlemen, and the report of the committee in relation thereto, are very able papers, but shew only that a difference of opinion exists as to the right of such appointments or nominations—the persons named being highly esteemed by both parties.

After the re-nomination, on the question, "Will the senate advise and consent to the appointment of Nathan Townson to be colonel of the second regiment of artillery?" it was determined as follows:

Yeas—Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alab. Knight, Lanman, Parrott, Rodney, Southard, Stokes, Talbot—17.

Nays—Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes of Maine, King, of N. Y. Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Miss. Williams, of Ten.—25.

The vote on the case of col. Gadsden was the same.

RULES AND REGULATIONS OF THE ARMY. The following letters, addressed to the editors of and published in the *National Intelligencer*, are necessarily inserted to explain the apparent disagreement in the present army regulations, with those which it was thought had been adopted for that purpose:

Gentlemen—Misapprehensions having prevailed, in relation to the correspondence which has taken place between generals Floyd and Scott, on the subject of certain remarks made by the former in the house of representatives on the 29th ultimo, the accompanying letters, comprising the whole of this correspondence, (of which we were the organs), is transmitted for publication.

Yours, &c.

JOHN WILLIAMS,
W. P. ARCHER.

Washington, May 1, 1822.

SIR: My friend, Mr. Archer, hastily shewed me this morning, a note from you to him on my subject, with the declaration that it was satisfactory. I am sorry that I did not give a more particular attention to it at the moment, as I now perceive, (from seeing the letter in print), that it contains a charge, by induction, at least, probably not intended by you.

I have said, in a deposition laid before a committee of the senate on Monday, that the book in question was printed at Philadelphia, under my sole direction, from a corrected copy, carefully prepared by me, and which was the exact duplicate of that laid (officially) before the chairman of the military committee of the house, and on which, as I was then informed, and have been again advised by the said chairman, the 14th section of the act of the 2d of March, 1821, was predicated. When this statement shall appear, (and I must now presume you to be acquainted with it), your reiterated remark that "a forgery did exist," in respect to one of the articles of the book, will obviously still apply to me, notwithstanding the general expressions of other parts of your letter.

I therefore request you to have the goodness to review the whole subject, and to do me that complete justice which your note to Mr. Archer would otherwise purport to carry with it.

I have the honor to be, sir, respectfully, your obedient servant,

WINFIELD SCOTT.

Hon. Mr. Floyd,

House of representatives, U. S.

Washington, May 3, 1822.

SIR: I received your letter of the 1st inst. in due time, and delayed answering it until I could see the documents printed by order of the senate, the injunction of secrecy having been removed, and to which you directed my attention, though your statement to me would have been enough. I also perceive, from general Smyth's statement, that you corrected and amended the printed copy of the army regulations and sent them to the chairman of the military committee of the house of representatives, before the subject was finally acted upon in congress; that your corrections and alterations were made in red ink; that in this way the alterations occurred. Under these circumstances, I cannot perceive that any blame ought to attach to you. I deem it perfectly fair and right in you to have amended your own work, as much so as for a member to offer amendments to a bill or resolution before it was finally acted upon.

What I said was bottomed upon the fact of a palpable difference between the original copy, now in the custody of the clerk of the house of representatives, and the printed copy, as distributed to the army.

I am perfectly satisfied that no censure can attach to you, and that a transaction, mysterious at the time of debate, is now satisfactorily explained; and it gives me pleasure to say so to you.

I am, sir, with great respect, your obedient serv't.

JOHN FLOYD.

Major general W. Scott.

VALUABLE ACQUISITION. The U. S. schooner *Shark*, lieut. com. Perry, was lately despatched for the particular purpose of ascertaining the qualities of an island in the Gulf of Florida, hitherto called *Key West*. She stopped at Havana to take on board Mr. Warner, our agent there, and arrived at this

island about the 20th of March. Lieut. Perry immediately detached different parties to explore the country—it was found to abound with wild animals, serpents, fowl and fish. Turtle is also very numerous, large quantities of them being carried to Havana in smacks, constantly employed for the purpose. The island is altogether uncultivated, but the soil appears good, and is thought capable of affording large quantities of the productions of the West Indies. On the 24th of March, a Mr. Hemming arrived from Mobile, with a number of people, and timber prepared to erect a frame house 60 feet long, which, perhaps, may become the starting point of a great city! On the 25th, possession was formally taken in the name of the United States of North America—the island called *Thompson's island*, and the harbor named *Port Rogers*, in honor of the secretary of the navy and president of the navy board, the American flag hoisted and a salute of 13 guns fired, &c.; after which the company partook of a handsome entertainment, prepared for the occasion, at which thirteen regular toasts were drank, &c.

"Thompson's island" is about 7 miles long and 2 broad; it is located 75 miles N. by W. from Havana, 85 from Matanzas, and about 30 from the main land of Florida. Its harbor, is a very fine one, and has long been the resort of vessels in rough weather; on which account it is considered as a very valuable acquisition to the United States. The east part lies open to the sea, the northern and western are surrounded by small sand keys. The port is said to be equal to any on the gulf of Mexico, for safety or depth of water, and may become the rendezvous of our navy employed in those seas. The island has extensive salt ponds, supposed capable of producing from 3 to 400,000 bushels annually. The southern point of the main land of Florida is covered from the force of the Gulf stream by innumerable little islands or keys, of which this is one; many of them are heavily timbered.

Appointments by the president of the United States.
John H. Moreh, re-appointed to be marshal for the district of Georgia.

John C. Wright, ditto to be attorney of the United States for the district of Ohio.

Robert Stanard, ditto to be attorney of the United States for the eastern district of Virginia.

George Read, junr. ditto to be attorney of the United States for the district of Delaware.

Alexander de Tubuef, to be consul of the United States at Cette.

James H. Peck, to be judge of the United States for the district of Missouri.

Ingh Davis, to be marshal of the United States for the western district of Pennsylvania.

Charles Ingersoll is re-appointed attorney of the United States for the district of Pennsylvania.

Charles Dewey, to be attorney of the United States for the district of Indiana.

William B. Griffith, appointed to be attorney of the United States for the district of Mississippi.

Washington's birth day was celebrated, as usual, at Paris—present the American minister and other official characters and citizens, and our old friend *La Fayette* and his son, *George Washington La Fayette*. Mr. Erving, late minister to Spain, presided: Messrs. Barnett, Gracie and J. Gallatin, vice presidents. The toasts were excellent—among them was drank, "*The holy alliance of the United States.*"

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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EUROPEAN PROSPECTS. London papers of the 7th of April have been received at New York. We have gleaned out of the extracts furnished and from others that we had on hand, some interesting items.

The chief thing in the way of news is, what may be deemed certain information that the Turks have utterly rejected the Russian ultimatum, and we have no doubt that war has resulted—it is even possible that the Russian flag now floats over the walls of the seraglio; for it is not likely that the Turks can interpose a force sufficient to arrest the progress of their enemies. What effect these things may have on the affairs of other nations, time alone can develop. Couriers had been despatched to all the European courts to announce the important intelligence; the panic in the money-market of London was greater on the 7th of April than it had been for many years—the domestic stocks fell about one per cent. and the foreign stocks from 3 to 4 per cent. The French funds had also declined, and those of Austria fallen in a large amount.

Mexico appears to be in a singular state. A counter revolution seems likely to take place. At Texcoco the military had shouted *viva el rey!*—the regency sent out a body of grenadiers to reduce them to order, but the latter chiefly joined the former. "At 5 o'clock, yesterday, (says a letter dated Mexico, April 3), *Iturbide* presented himself to the congress, saying that public tranquility was threatened, and requested that certain deputies should be dismissed the assembly, who were comprehended in the conspiracy. He was answered that, according to rule, no body could be sent out, and as he himself did not compose the regency, he would please to retire and return with them, &c.

Don Yanez then observed, "I will thank your excellency to receive my resignation. Your excellency will pardon me, (addressing *Iturbide*)—you are the only man who usurps all powers. *Iturbide* replied, "We shall soon find, Signor Yanez, who is the traitor." Yanez replied, "I shall not leave this spot before I convince your highness, you are that traitor."

Much tumultuous discussion took place, which time forbids me to repeat. I am convinced the siftings and disturbances have occurred because *Iturbide* wishes to destroy the congress.

The general presented a letter, which he received from Davilla, in which he is invited to reconquer the empire and place it under the protection of Spain. But, as if the Devil had a hand in it, the plot was discovered. These plots and usurpations have destroyed the equilibrium of our government, and we are now in the situation of Buenos Ayres."

☞ We much bear it in mind, however, that these accounts reach us by the way of Havana.

U. S. BANK STOCK drags along heavily. At Boston, on the 8th inst. it was rated at 102 a 103; at New York, on the 10th, sold at 102; at Philadelphia, on the 11th, quoted at 101 a 102; since at 103.

RODGERS' MARINE RAIL WAY. We have the satisfaction to state, that com. *Rodgers* has completely triumphed in his experiment to haul up and lodge in a cradle the new 44 gun frigate *Potomac*, at Washington, whose weight is estimated at 1600
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tons. We are induced just now simply to notice this great victory of science and skill, for the reason that we expect to have a full account of the proceeding, eminently calculated to honor the accomplished veteran, the service and the nation to which he belongs.

CONGRESS. The following is given as the component parts of the present house of representatives of the United States: lawyers, 97; farmers and planters, 59; physicians, 15; merchants, 13; manufacturers, 5; clergyman, 1.

The late session of congress lasted 156 days—the pay of each member amounted to 1,248 dollars, besides mileage, or 8 dollars more for every 20 miles travelled to and from the seat of government.

TRAVELLING. When the compensation bill was lately before the house of representatives, some of our western friends were much opposed to the projected increase of a day's travel from 20 to 30 miles, whereby the amount of compensation would be reduced a third. But a gentleman, via the Cumberland road and Ohio river, has lately made the journey from Washington to Lexington in eight days—and might have made it in six, if the steam boat had been ready at Wheeling; and in six days more he could reach New-Orleans—a voyage, by land and water, of 2,500 miles in twelve days! The allowance for travelling is made to members of congress, we believe, according to distance as ascertained on the post roads: Lexington is put down at 552, and New-Orleans at 1260—so that a gentleman, travelling by this route from the seat of government to the latter city, might advance at the rate of 105 pay-miles per day; which, at 8 dollars for every 20 miles, would yield for his compensation one hundred and sixty-two dollars per day. The eastern members, very generally, make 100 miles per day, when proceeding to or returning from congress—but there are many of the southern and some of the western gentlemen whose compensation is moderate enough, on account of the badness of the roads, and the want of bridges and other accommodations.

ECONOMY OF TIME! For the table given below, we are indebted to the Washington Gazette of the 1st inst. Happening to be in the lobby of the house while this very amusing and highly interesting business of taking the yeas and nays was going on, I had an opportunity to observe its effect on many of the members,—the most of whose countenances exhibited any thing else than a prevalence of the "æra of good feelings:" but of the manner in which many things are managed, or rather mismanaged in congress, we have much to say, and it shall be said hereafter, to give the people some faint idea of the way in which their concerns are attended to by their representatives in congress. We intend to speak freely and plainly, in the hope that, through public opinion, certain practices that are entertained in congress may be driven out of the house. In commenting upon such proceedings, it is sincerely to be regretted that the honest and enlightened statesmen of this

body, must come in for some share of the censure which really belongs to immoral and prating politicians—stump-orators and bar-room speech makers; for the former are always dreadfully punished in being compelled, by an imperious sense of duty, to remain in their seats while the others are at work, to check them in their doings. And I am happy to believe that, though the present congress stands disgraced far beyond any one that preceded it, it contains many high-minded and honorable gentlemen, influenced by the purest motives and unwearied in their labors to promote the public good. The condition of such is miserable, indeed—and the overwhelming misfortune is, that if public opinion does not interpose between them and the quirking, spouting majority, none of them will long be found present to guard the nation's safety:—the tax on their patience is too great to be borne, and they will retire from it.

On the 30th of April, the congressional compensation bill was taken up for consideration in the house of representatives. On this bill, the yeas and nays, being demanded by one-fifth of the members, were called no less than eight times, each of which consumed about half an hour, or *four hours in the whole*—though not another motion was sustained except that to adjourn, which was made at a late time in the day. By these repeated calls, the members seemed almost worked up into a rage—and there were few, indeed, that went through the sitting with any sort of complacency. Of the *motives* that induced some of these calls, we may say something hereafter; and the useless cruelty of them on the person of the clerk, Mr. Dougherty, [whose health is not good], worried and distressed every benevolent mind: he was much exhausted—and a man of the strongest lungs in the nation could hardly have performed this severe duty uninjured. The practice of recording the yeas and nays cannot be dispensed with—it is essential to the purity of the representative body; but, like other good things and invaluable blessings, it may be much abused, and rendered the means of defeating what some would be ashamed or afraid to act directly for or against.

From the Washington Gazette, of May 1.

THE MOTIONS OF YESTERDAY.

	YEAS	NAYS
By Mr. Hardin, to consider the bill	120	46
By Mr. Hardin for the previous question	<i>not sustained</i>	
By Mr. Wright for the mileage to be at the rate of \$6 for 30 miles	79	87
By Mr. Ball for the previous question	<i>not sustained</i>	
By Mr. Cannon, to lay the bill on the table	41	127
By Mr. Nelson of Virginia, so to fix the compensation for the present congress for the next session, as will average for the congress \$6 a day, and \$6 for twenty miles.		
By Mr. Walker, to amend this, by substituting fifteen for twenty miles.	<i>negated</i>	
By Mr. Montgomery, to amend Mr. Nelson, so as to give \$4 a day, and \$4 for twenty miles for the congress, making each member at the next session find himself, and refund \$276. (Mr. Nelson accepted this as a modification.)		
Question on Mr. Nelson's amendment, as modified.	34	132

By Mr. Pierson, a renewal of Mr. Nelson's amendment in its original form	52	108
By Mr. Cambreleng for the previous question.	<i>not sustained</i>	
By Mr. McCarty to postpone the bill to 2d Monday in December next	46	113
By Mr. Allen, (of Mass.) to limit the pay to one hundred days a session	<i>negated</i>	
Question on recommitting the bill with the instructions proposed by Mr. Alex. Smyth, on Saturday last	50	113
By Mr. Newton to adjourn, being half past 5 o'clock	93	71

As before observed, the calling of these yeas and nays consumed about four hours—two more were wasted in desultory discourses or impatient remarks—and yet, at the adjournment, the bill remained just as it was when first taken up in the morning!

RIGHTS OF THINGS. Whatever we say is meant for public examination, if thought worthy of it, and we shall always feel thankful to any that will point out errors committed, that we may correct them: but, when on subjects of political economy, if a brother editor is pleased to make use of and exhibit our items, we deem it only a common act of justice that he give also the *reasons* advanced for them—else it is impossible that we should be fairly understood: and especially so when the matters set forth are rather of a speculative than of an absolute character, as most things of this description are, though not on that account, perhaps, much less worthy of reflection as leading to truth.

THE SUSQUEHANNAH. For the real or ostensible purpose of supplying the canal with water, it appears that the proprietors had caused a wing-dam to be erected, which reached so nearly across the river as to prevent or obstruct the navigation of it at times when Nature designed that it should be free. In consequence, a few days since, a great number of arks and rafts being collected, the persons in charge of them, (wearied with waiting for a passage through the canal), attacked and broke down the wing dam, and reached the tide-water in triumph and without injury. The amount of wheat, flour, whiskey, pork, lumber, &c. that arrived at Port Deposit in a fortnight, up to the 22d of April, was estimated to be of the value of nearly *half a million of dollars*. The arks amounted to 185, the rafts contained about 228,000 M. feet of boards and 4,800 cubic feet of logs. The wharves at Baltimore were literally covered with these things. "To furnish some idea of the extent of the trade of this river," says the Oswego (N. Y.) Gazette, "we would mention the fact, that, from this village alone, there has, within the last few days, been started for market, something like 60 arks laden with plaister, averaging from 40 to 45 tons each, which, in market, will be worth from 8 to \$9 per ton; six or seven arks laden with wheat, say from 12 to 1500 bushels each—together with fifteen or twenty arks laden with staves, shingles, boards, whiskey, potash, pork, flour, oil, hams, beans, potatoes, &c. &c. besides a great number of rafts. From the town of Elmira, in this county, there will go between 25 and 30,000 bushels of wheat, besides a large quantity of pork, lumber, &c. From Danville something like 150,000 bushels of wheat; and Milton, on the west branch, about the same quantity."

There was a ready market and prompt payment for all these good things, until the news of the late alarming stock jobbing and foreign-importing combustion, which took place at New York, caused all our monied men and institutions to clench their cash as with the gripe of death, as noticed in a former article. But the alarm has so far subsided as to permit business to proceed with some regularity, though with irksome caution and much want of confidence as to things that theretofore appeared very plain.

The value of the trade that passes down the Susquehanna is much lessened to Baltimore from the want of a communication up that river. The New Yorkers and Pennsylvanians, who find here a liberal market for their commodities, would gladly lay out their money with us, provided the return navigation would admit of it. It is true, that a few boats, laden with goods, do ascend the river; but the amount of their cargoes is small compared with that of the descending arks and rafts—and a large part of the proceeds of the latter is carried to the city of New-York and there invested in goods. To afford to Baltimore the full advantage that this noble stream might confer, a new canal is spoken of, which will equally facilitate the ascending as the descending trade; but in the present difficulties about money, we fear that the project cannot be accomplished.

STEAM CARRIAGES. From the *London Literary Gazette*. We are informed that the possibility of travelling and transporting goods in carriages moved by steam, will soon be tried on a most extensive scale. So confident are the projectors of their success, that not contented with securing their means by patent in England, they have made themselves citizens of Holland and France, and taken such steps in Germany as will enable them to try their experiment over half Europe simultaneously. We are not instructed in the details of this invention, or rather application of invented principles in mechanism, and in the use of that powerful agent steam; but persons of judgment in such matters speak in sanguine terms of the plan.

The editor of the *REGISTER*, when a youth, heard the late well known *Oliver Evans* say, (in the confident manner in which he was accustomed to speak, when machinery or mechanism was the subject of his discourse), that "the man was then living who would see the Ohio and Mississippi covered with steam boats, and that the child was then born who would travel from Philadelphia to Boston in one day, by steam boats and steam waggons." I think that this was about in the year 1794 or 1795, and the person to whom Mr. Evans addressed himself, put him down, at once, as an enthusiast who would end his days in a mad-house; having no more idea that the Ohio and Mississippi would be covered with steam-boats, as they now are, than is entertained of the discovery of means by which we may visit our neighbors in the moon. But some time after this, Mr. Evans actually applied the power of steam to move a large scow which he had built, about a mile on the land,—he then launched it, and, by adapting the machinery to the water, navigated it down the Schuylkill, and from the mouth of that river up the Delaware to Philadelphia. I am not acquainted with the manner in which these things were effected; but it was left to the genius of Fulton to perfect the idea of propelling boats by steam. The names of seventy six boats are given in a western paper, as

at this time employed in navigating the Ohio and Mississippi rivers.

Since the preceding was in type, we notice that a chariot, propelled by steam, was exhibiting in New York; and that one, on a larger scale, was to be built to ply in some of the public gardens.

ST. MARY'S CHURCH, PHILADELPHIA. We are gratified to be informed that the differences existing in this congregation, are likely to be settled. It will be recollected that two sets of trustees were returned as chosen, and neither would give way; but it has been agreed that a new election shall be held under the superintendence of protestant gentlemen, of great respectability, who will, no doubt, conduct the matter fairly and put to rest the jarring elements of discord. We rejoice at this proceeding—it is liberal, it is truly Catholic. The judges are Horace Binney and C. C. Biddle, esquires, and gen. Cadwallader.

CUMBERLAND ROAD. The Baltimore banks, as the condition for a renewal of their charters, have unanimously agreed to make a road from Boonsborough to Hagerstown, (about 10 miles long), the only part which, between Baltimore, on the Chesapeake, and Wheeling, on the Ohio, remained unimproved. We hope that, at the next session of congress, some plan may be devised, agreeable to the will of the house of representatives on the one side, and the opinions of the president, as to constitutional grounds, on the other, by which this noble road or roads, which, from one extreme to the other, will have cost more than two millions of dollars, may not be suffered to go to decay. It really seems hard that those who travel it cannot be permitted to keep it in repair, by the adoption of efficient means for that purpose.

LEHIGH AND SCHUYLKILL. Ever pleased to notice the progress of improvement, we are sincerely glad to observe that large quantities of coal, &c. &c. are arriving from the Lehigh and down the Schuylkill rivers. Thirty-one arks arrived in one day, some of which had descended the latter river more than one hundred miles, laden with flour.

JUDGE VS. LAWYERS. Philadelphia, May 8. *Wm. M. Meredith* and *James C. Biddle*, esqs. having, in the course of a trial on Tuesday, the 7th inst. insulted the court, while acting in their stations of attorneys and counsellors, judge Hollowell, this afternoon, at 4 o'clock, after the court had taken full time to consider the subject, pronounced the following judgment:

This court, on full consideration, do adjudge that *Wm. M. Meredith* and *James C. Biddle*, esqs. counsellors at law, and officers of this court, be committed to prison in the debtors' apartment of the city and county of Philadelphia, until the first day of June next, or until discharged by the legal authority of this court, or by due course of law, for a high contempt, by gross misdemeanor, in the presence of this court, and obstructing the administration of justice. They were taken into custody, and committed accordingly.

The court said they would consider, when they should next sit as a court of common pleas, the propriety of striking them off the list of attorneys.

Treasury department, May 2d, 1822.

Notice is hereby given, to the proprietors of the six per cent. stock of 1812, and 1813, and seven percent. stock of 1815, who may wish to avail them-

selves of the provisions of the act of congress, passed the 20th of April 1822, entitled "an act to authorize the secretary of the treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent," that books are opened at the treasury and at the several loan offices of the United States, for receiving subscriptions of the stock held by them, pursuant to the provisions of the aforesaid act, to be continued open until the first day of July next.

Subscriptions of stock may be made either by the proprietors in person, or by their attorneys duly authorized to subscribe and to transfer the stock of the United States. Certificates of stock are to be surrendered, at the time of subscribing, at the treasury or loan office where the subscription is made.

The following appointments have been recently made by the president of the United States, by and with the advice and consent of the senate:

Henry Dearborn, of Massachusetts, to be envoy extraordinary and minister plenipotentiary to the kingdom of Portugal.

Thomas L. L. Brent, to be secretary of legation at the court of Lisbon.

John A. Appleton, to be secretary of legation at the court of Madrid.

James T. Preston, *Samuel R. Overton*, and *Nathaniel A. Ware*, to be commissioners for deciding upon land claims in the territory of Florida.

J. C. Bronaugh, *Henry M. Brackenridge*, *Richard Cull*, *Edgar Macon*, *Edmund Law*, *Wm. M. Gibson*, *Joseph M. Hernandez*, *John Miller*, *Wm. Reynolds*, *Thomas Lytle*, *Bernardo Sigui*, *James K. Hanham*, and *Joseph M. White*, to be members of the legislative council in the territory of Florida.

Benjamin Robertson, of North Carolina, to be marshal for West Florida.

Gad Humphreys, to be agent for the Indian tribes within the territory of Florida.

Lewis Mark, of New York, to be consul at Ostend, in the Netherlands.

Joseph Edgar, to be commissioner of the public buildings at Washington.

George W. Hubbell, to be consul of the United States at Manilla.

William Clark, of Missouri, to be superintendent of Indian affairs at St. Louis.

Gideon Fitz, to be register, and *James C. Dickson*, to be receiver of public moneys for the land district composed of the lands lately ceded by the Choctaw Indians.

William G. D. Worthington, to be marshal for East Florida.

Nathan Towson to be paymaster general of the army of the United States.

John Branch, to be judge in West Florida.

Joseph L. Smith, to be judge in East Florida.

George Walton, to be secretary to the territory of Florida.

Alexander Hamilton, to be attorney for East Florida.

Tipton B. Harrison, to be attorney for West Florida.

Joshua Barton, to be attorney of the U. States for the district of Missouri.

Henry Dodge, to be marshal for the same.

Jehu Hollingsworth, to be consul of the United States at St. Eustatia.

personal expenditures, and the lords of the admiralty have been reduced from seven to five. The gross revenue of the post-office is two millions of pounds a year. The marquis of Buckingham has been created a duke: during the long reign of George 3rd, only two dukes were created, except those of the royal family, the dukes of Northumberland and Wellington. On the 29th March, Mr. Canning gave notice that he should move to repeal so much of the acts of parliament as debarred Catholic peers from sitting in the house of lords—but he had not determined whether he would bring forward his motion at the present session.

The distresses of the poor laboring classes may be partially imagined from the following specimen afforded in the proceedings of the house of commons—"Mr. Lochart, in presenting a petition to the house of commons, on Monday se'night, praying some relief to agriculture, remarked that there were, at present, in the gaol of Bury, in Suffolk, eighty persons confined for poaching; sixty of whom entered the field for the purpose of being taken up, preferring imprisonment to starvation!"

The plan for reducing the 5 per cent. stocks, as heretofore described in this paper, appears to be very generally approved. It is, no doubt, advantageous to the money-lenders, though, in its result, presuming that the debt is to be paid off, it may prove very unfortunate for the payers.

The amount of gold coinage at the British mint, during the last year, was 9,520,758*l*. The average of bank notes in circulation for the month of Jan. 1821, was something short of 24,000,000, and the average of 1822, short of 18,500,000, making the reduction of the bank circulation nearly half the amount of the gold coinage, or about 4,500,000.

Seven new and promoted peers took their seats in the house of lords, at the late meeting of parliament.

The defence of the queen was prohibited in the English papers at Madras, though the testimony against her had been published.

Mr. Coutts, the great banker, lately died at the age of 87, leaving a property worth about four millions of dollars at the sole disposal of his wife, late Miss Mellen, of the theatre. No other person was mentioned in the will; but Mrs. Coutts has given liberally to the daughters of her late husband, the countess of Guildford and the wife of sir Francis Burdett. It appears that Mr. Coutts married Miss Mellen in ten days after the death of his first wife, being then in the 81st year of his age. This produced much dissatisfaction in his high-blooded children, two of whom had become peeresses and the other the lady of a baronet. A paper war followed, and it appeared that the mother of these ladies, "Betty Starky," had been a common servant, and that Miss Mellen was as good as she, and so forth. So much for "noble blood" and high families! It was probably on account of this quarrel, that Coutts threw his whole fortune into the lap of his young wife—but she was entitled to a round sum for the sale of her person to the old one; and she seems resolved to enjoy it, being already engaged to be married to a person called the marquis of Worcester—and so the play-actress will be converted into a 'most noble lady,' as the title of marchioness will declare her to be!

The famous Mr. Coke, aged 74, has married a daughter of the earl of Albemarle, aged 21!

About four thousand English persons are now resident at Boulogne, in France, on account of the greater cheapness of the necessaries and comforts of life.

FOREIGN NEWS—from London papers of April 7. *England*. Retrenchment is much spoke of, and, in little things, practised. The king has given up 50,000*l*. or 10 per cent. of the sum allowed for his

The Jews in London have erected a free school, for 600 boys and 300 girls. It is to be under the superintendence of their chief rabbi.

Sentence of death has been pronounced on nineteen smugglers—they have fired at and resisted some persons in the revenue service.

A widow woman, seeking information of a fortune teller as to obtaining another husband, expended 100 gold sovereigns to get the aid of the *stars*!—but, they not being propitious, she applied for a warrant to arrest the person who affected to have the government of them.

France is, surely, in a very disordered state, and the chamber of deputies seems to be the centre of violent politics. Gen. Gerard, alluding to the causes of the commotions, eulogized *Napoleon* as the "immortal captain, whose name will go down to posterity, with those of *Alexander* and *Cesar*." This expression excited a storm of applause and murmurs:—On which the general said, "Pardon me, gentlemen, I thought a word of one of that brave old French army, might find an echo in this chamber, which so many of its trophies once decorated." General Foy exclaimed, "*Patience—the time will come again*." The members on the right exclaimed "*No, never*."

In the French chamber of deputies, March 19th, the minister of foreign affairs stated that the present ministers had lost no time in endeavoring to establish such relations with the U. States of America, as would have the most favorable influence upon commerce. With regard to Spanish America, France was not behind, since its independence had not been recognized by the U. States, and no European power had yet sent envoys or consuls there.

Gen. Berton was not yet taken, though great efforts had been made to arrest him, and a high price put on his head. It appears as if he had plenty of money.

Lectures on ethics, public law, political economy, &c. are directed either to be discontinued or delivered in Latin!

The correctional tribunal of Marseilles, on the 11th of Dec. tried captain Quoniam, accused by the public prosecutor of having trafficked in negroes.—He was condemned to the confiscation of his ship and cargo, and to the forfeiture of his occupation. The price of the best bread at Paris is about 2½ cents per pound.

Spain.—Cadiz is said to be declining very rapidly, in consequence of the revolutions in America; and certain monopolies that the merchants of this city possessed, have also been taken away by the cortes—so that the sources of its wealth are dried up.

The deficit of the revenue for the present year is estimated at 16,485,727—rials vellon, we suppose. There has been some disturbance at Pampeluna, in which a number of persons were killed. Burgos has also been agitated.

A Spanish privateer, fitted out at Porto Rico, is busily engaged in capturing vessels bound to or from the ports of Colombia.

Italy. Letters from Rome announce the arrival of Mr. *Marechal*, archbishop of Baltimore, who had been received by the pope "in the most gracious manner." A London paper gives a report that the pope has issued a brief, in which the injunction of the Roman church for abstaining from meat, on certain days, is suspended for the term of six years—during which liberty is granted to eat flesh during every day in the year.

Osman Aga, a Turkish nobleman, late chief officer of the viceroy of Egypt, being disgusted with

the doctrines of the Koran, has arrived at Rome to receive instruction in Christianity. He was to be christened in the presence of the pope.

Sweden. The Stockholm Gazette announces that "provost marshals in the Swedish army are about to be abolished. The corporal punishments which they have hitherto performed upon delinquents, will in future be inflicted by a hired executioner, or by a woman, in order that the military uniform may not be degraded."

Russia. The emperor Alexander has caused to be published to his army his will respecting regulations for preserving its health. The colonels of regiments are especially enjoined "by no means to allow the soldiers *lacing* themselves." The same attention is recommended to "young officers who, from false notions of elegance in dress, injure themselves by this custom."

Turkey. It appears certain that the famous Ali Pacha of Janina, has at last suffered death. He had prepared a stone chamber, in which was deposited a quantity of gun-powder, to blow himself to atoms; but he was deceived by a promise of pardon from the sultan and sent to Constantinople, where he was beheaded. He was about 80 years old. A comparatively inconsiderable quantity of treasure was found in his citadel, to what was expected—it is stated that he had emptied his chests of gold into the lake, and put to death those who had been employed in the service, that the exact place might remain known only to himself.

Another account states that Ali was cajoled into a surrender by his wife, who was in the pay of the Turks, on a promise that his life should be spared, &c. after which he was assassinated and all the persons about him put to death, the wife excepted—though she was present when the murders took place, as if to sooth him with ideas of safety!

The Greeks have again defeated the Turks at sea. A desperate fight between them took place on the 3rd of March. The Turks lost twenty-five ships captured, five were driven on shore and two [*Algerines*] blown up. A few vessels escaped, the pursuit of which was hot, when the account came away.

The condition of Moldavia and Wallachia is said to "inspire horror." The Asiatic Turks lay every thing waste, and exceedingly abuse the people. They put fire to the city of Jassy on the 12th of March, and the houses on whole streets were reduced to ashes. The Kiaja Bey had declared that if he was forced to evacuate the country, he would carry off the whole male population for slaves, and not leave a village standing!—hence the people are seeking safety by flight, under the most distressing circumstances. It is expected that the Russians have entered these provinces.

From the London Courier of April 6. The advices from Constantinople, are to March 6th. The divan assembled on the 28th of February, to take into consideration the note of the ambassadors. The result was a reply not so favorable to peace as was expected. "The assembly unanimously resolved, that the propositions contained in the Russian *ultimatum*, were of a nature that could not be accepted." Subsequently, repeated interviews took place between lord Strangford and the Reis Effendi, which terminated abruptly; and, on the 3d, a note was delivered to the English and Austrian ambassadors, of which the following has been given as the substance:

"The divan witnesses with pleasure the efforts which its friends, the ambassadors of England and the Austrian internuncio, make to adjust the dif-

ferences which have arisen between the sublime Porte and Czar of the Muscovites; but the divan views, as useless to the proposed object, all farther discussion of the propositions contained in the Russian ultimatum—propositions which are incompatible with the sovereignty of his highness.

"It would be desirable that the above mentioned ambassadors would make known to their courts the subjects of complaint which the Porte has against the Muscovites, viz.—That the Russian consuls, chosen from the Greek nation, thinking themselves secure under their *Burat* (or Russian letter of naturalization) have openly taken parts in the plots which have been concerted at Smyrna and in the isles of the Archipelago, to insurrectionise the *Rajahs* (subjects of the Porte); that a Russian ship, laden with arms and ammunition, has been seized in the gulf of Smyrna, when on the point of sailing for Ispara; that the merchants of Odessa sent to the Greek insurgents money and corn, supplies of which were seized in the strait of the Bosphorus; that Alex. Ypsilanti, styling himself as "agent of Russia," and attired in Russian uniform, came to Bucharest at the head of a troop composed of Greeks and Russians, seized the public coffers, put to death the Musselmen merchants established in Wallachia, and posted proclamations exciting the subjects of the Porte to insurrection, and promising them the aid of Russia; that in truth, the court of Russia had declared that all this was the work of particular individuals, who acted in opposition to the will of the emperor; but that, notwithstanding this declaration, the traitor Michael Suzzo, after having opened the gates of Jassy to Ypsilanti, and after having decapitated several Turks who resided there, fled to Russia, where he was hospitably received, and supplied with money, as were also other Greek refugees; whilst his majesty the emperor of Austria, faithful to treaties, caused those to be arrested who fled into his dominions, and even confined Ypsilanti in a state prison.

"From these facts, the courts of England and Austria will judge whether it is Russia or Turkey which has provoked war. The Porte demanded no satisfaction whatever for these hostile circumventions on the part of Russia, the result of which only disturbed the peace of the Ottoman empire but an instant. But the Porte will not suffer that a foreign court, a known supporter of all the rebellious against the authority of his highness, should come and interfere in the domestic affairs of the empire. If some Christian temple has been unlawfully demolished, it shall be restored after tranquility shall have been completely re-established. His highness will grant an amnesty to his Greek subjects of the Archipelago and Morea, when they shall have laid down their arms.

"The Ottoman troops shall continue to occupy Wallachia and Moldavia so long as the divan shall consider those provinces as menaced by the Cossacks and Hetarists assembled on the eastern bank of the Pruth. With respect to the nomination of the Hospodar, the sublime Porte acknowledges that treaties, among others that of Bucharest, prescribe it; hence she has no intention to refuse it, nor to make any change in the form of government, guaranteed by conventions to those two principalities, as she has declared to the Wallachian and Moldavian Boyars; only Russia having violated the treaty of Bucharest (as has been mentioned above) has no right to claim the execution of that article. His highness having besides, by this treaty, liberty to name as Hospodar, the person who shall deserve that favor, has already decided, that in future no

Greek can be Hospodar either of Wallachia or Moldavia; for the Greek princes elevated to that post for a century, instead of shewing themselves grateful and faithful, have accepted the pay of Russia, and have framed conspiracies, without reckoning that several of them, after having pillaged the people of Wallachia and Moldavia, have fled into Christian countries with the unjust treasures, the fruits of their rapacity and tyranny. His highness will name as Hospodar either a Turk or a Wallachian, as he has made known to the Boyars.

"Finally, it is not for the Porte to send commissioners to the frontiers to negotiate peace—she is not at war with Russia, notwithstanding all the provocations—and if the Muscovite armies shall begin hostilities, she has taken measures to repel them."

West Indies. It is highly probable that the British islands will be thrown open to the commerce of the United States—and petitions were circulating at Martinico and Guadaloupe to the French government, praying for relief in the same way.

Hayti. The late descent of the French at Samana, jeopardized the personal safety of all the people of that nation in Hayti, but no act of violence took place, as was expected. French vessels will not hereafter be permitted to enter the ports of the republic. The masters of all vessels clearing out, are required to declare, on oath, that no Frenchman has, directly or indirectly, any interest or concern whatsoever in the vessel or her cargo. This rule also applies to the persons of Frenchmen, who appear to be detained as hostages for the return of the blacks carried off by the squadron. Boyer has abolished slavery in the whole island of Hayti, and peace prevails in every part of it.

Buenos Ayres. Advices from this city, dated late in February, give the most gratifying description of the state of affairs in that important quarter: peace and prosperity crowned the efforts of the new government, which was busily engaged in works of improvement, in forming schools, libraries, &c. The public library at Buenos Ayres consists of 16,000 volumes, of valuable works.

One of the letters notices the arrival of a French squadron in the river, bound to the Pacific, "the commander of which had thought proper to address a letter to our government, in which, under instructions from his government, he asks the suppression of privateering. The answer given by our government was, that privateering had been already suppressed by this government; it was added, however, that the government of Buenos Ayres will not in future attend to any application coming from any foreign officer arriving with an armed force, nor to that of any person, of whatever character or rank he may be, who shall not be provided with a diplomatic character and suitable credentials."

Colombia. The receipt of the president's message, advising a recognition of the independence of Spanish America, was received with much joy at Lagaira, &c. Porto Cabello still remained in possession of the royalists, and was declared in a state of blockade, by sea and land, as it appears that it really was. Com. Daniels had been appointed admiral in the Colombian service. It is probable that Quito has fully joined the republic, though an army had been provided to reduce the power of Spain therein.

Mexico. A frigate recently arrived at Havana from Vera Cruz, with five millions of dollars on board. The castle was, of course, still in the possession of the royalists.

Many Americans are said to be emigrating to Texas, with their families—they are received on the most flattering terms.

Two American schooners had arrived at Vera Cruz, with a number of passengers—among them gen. Wilkinson, from New-Orleans. They were stopped by the castle; but the governor permitted all the passengers, except the general, to pass on to the city: he was ordered off, and took his passage for Philadelphia.

Canada. It is stated that a pretty heavy draft of militia had taken place in Upper Canada. For what reason this has happened, appears to be quite a mystery. Some say it is to replace the regular troops at certain posts; but others believe they are to be held in readiness to march for Lower Canada, if the governor in chief shall feel it necessary to discipline the lower house of parliament, which, at its last sitting, manifested a non-submitting spirit to some of his acts. It is probable, however, that these reports are destitute of truth. In the contingency supposed, we should presume that the governor would rely on the mercenary troops, not on the militia.

Letter from Mr. Rodney,

A senator from the state of Delaware, to the speaker of the house of representatives.

SIR: In a report made to the house of representatives, by the select committee, to whom were referred several communications, from the secretary of the treasury, relative to the manner in which the land offices have been examined, it is stated—

“The committee believe it to have been usual in the war department, also, to employ members of congress as counsel in behalf of the United States, and they refer particularly to the instances of Mr. Baldwin, of the house of representatives, and Mr. Rodney, of Delaware, of the senate, employed and paid as counsel, under the direction of the present secretary of war.” [See page 105, present volume.]

With respect to myself, an error has been unintentionally committed; as I was not, when employed or paid, a member of congress, either of the senate or of the house of representatives: this will appear from the sequel. On the 6th of March, 1820, I received a letter from major Babcock, of the corps of engineers, who was stationed at New Castle, requesting my professional services, in the case of an ejectment brought for the Pea-Patch, the trial of which was expected to take place at Trenton, in the circuit court of the United States for the district of New Jersey, on the first of April following. Agreeably to this desire, I attended the court, but the trial was postponed, in consequence of the absence of material witnesses on the part of the defendant. Rules were obtained for the taking their depositions, and also for a special jury, and for a survey of the disputed premises.

In the summer of 1820, a detailed report of the case was prepared and transmitted to the department of war. At the October term, in the same year, I attended again at Trenton; and was there on the day of the general election, in Delaware, when representatives to the seventeenth or present congress were chosen. The result, however, was not known, until some days after my return.

In the month of November following, I was paid for the services rendered, and I have not since been at the court.

The constitutional term of the present house of representatives, commenced on the 4th of March, 1821. Until that period arrived, I was not a member of congress, and might have held any other incompatible office under the constitution of the United States or of Delaware.

The legislature of the state of Delaware chose me a senator of the United States on the 10th of January last, but the certificate of my election was not received, in consequence of my absence, from severe indisposition, until the 24th of that month, when I took my seat in the senate.

This simple narrative of facts, given according to the best of my recollection, assisted by the original papers lately received, is respectfully submitted to the consideration of the house of representatives with a view of correcting any erroneous impressions which may have been made by the unintentional mistake of so respectable a committee.

I have the honor to be, your most obedient servant,
C. A. RODNEY.

Hon. PHILIP P. BARNOUR,

Speaker of the house of representatives.

April 27, 1822.

List of Acts

Passed at the first session of the seventeenth congress.

ACTS WHICH ORIGINATED IN THE SENATE.

An act authorizing the transmission of certain public documents free from postage.

To establish the district of Blakely.

Authorizing the transfer of certain certificates of the funded debt of the United States.

Vesting in the state of Pennsylvania the right of all fines assessed for the non-performance of militia duty during the late war with Great Britain.

Supplementary to an act, entitled “an act to alter the terms of the district court in Alabama.”

Authorizing the state of Illinois to open a canal through the public lands, to connect the Illinois river and lake Michigan.

Supplemental to an act, entitled “an act to authorize the appointment of commissioners to lay out the road therein mentioned.”

For the establishment of a territorial government in Florida.

To perfect certain locations and sales of public lands in Missouri.

To amend the laws now in force, as to the issuing of original writs, and final process in the circuit courts of the United States, within the state of Tennessee.

Concerning the commerce and navigation of Florida.

Supplementary to the act, entitled “an act for the relief of the purchasers of the public lands prior to the first day of July, 1820.”

Supplementary to an act, entitled “an act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive.”

To continue in force an act declaring the consent of congress to acts of the state of South Carolina, authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports, and to acts of the state of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah and St. Mary’s.

To abolish the United States’ trading establishments with the Indian tribes.

To alter the times of holding the district courts in the state of New-Jersey.

In addition to the act concerning navigation.

Supplementary to the several acts for adjusting the claims to land, and establishing land offices in the districts east of the island of New-Orleans.

For the relief of Richard Matson.

Explanatory of the act for the relief of James Leander Cathcart, passed May 15, in the year of our Lord, 1820.

For the relief of John Holmez.

Further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes.

Authorizing the payment of a sum of money to Thomas Shields.

Granting a right of pre-emption to Noble Osborne and William Doake.

For the relief of the president and directors of the Planter's Bank of New-Orleans.

To designate the boundaries of a land district, and for the establishment of a land office in the state of Indiana.

Authorizing the payment of a sum of money to John Gooding and James Williams.

For the relief of Samuel Walker.

To authorize the building of light houses there-in mentioned, and for other purposes.

For the relief of Matthew M'Nair.

To establish an additional land office in the state of Illinois.

Granting a tract of land to William Conner and wife, and to their children.

For ascertaining claims to titles to land within the territory of Florida.

For the relief of the sureties of Joseph Pettipool.

To provide for the collection of duties on imports and tonnage in Florida, and for other purposes.

For the relief of the legal representatives of Joseph Hodgson, deceased.

To repeal the fourteenth section of "an act to reduce and fix the military peace establishment, passed the second day of March, 1821.

To authorize and empower the corporation of the city of Washington, in the District of Columbia, to drain the low grounds on and near the reservations, and to improve and ornament certain parts of such reservations.

For the relief of the representatives of Greenberry H. Murphy.

To relieve the people of Florida from the operation of certain ordinances.

ACTS ORIGINATING IN THE HOUSE.

An act reviving and extending the time allowed for the redemption of land sold for direct taxes.

To revive and continue in force an act, entitled "an act to provide for persons who were disabled by known wounds in the revolutionary war."

To provide for paying to the states of Missouri, Mississippi and Alabama three per cent. of the nett proceeds arising from the sale of public lands within the same.

For the relief of sundry citizens of Baltimore.

For the relief of Samuel Clarkson and Alexander Elmslie.

For the relief of Isaac Finch.

For the relief of Peggy Mellen.

To authorize the re-conveyance of a tract of land to the city of New-York.

To authorize the payment of certain certificates.

To provide for the due execution of the laws of the United States, within the state of Missouri, and establishment of a district court therein.

To authorize the secretary of the treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent.

For the relief of James May, and the representatives of William Macomb.

For the relief of Gad Worthington.

For the relief of James McFarland.

For the relief of the representatives of John B. Dash.

To revive and continue in force "an act declaring the assent of congress to certain acts of the states of Maryland and Georgia.

For the apportionment of representatives among the several states, according to the fourth census.

For the relief of William E. Meek.

Restoring to the ship Diana the privileges of a sea letter vessel.

For the relief of Solomon Porter, jr.

To remit the duties on a sword imported, to be presented to captain Thomas McDonough of the United States' navy.

To fix the limits of the port of entry and delivery for the district of Philadelphia.

For the relief of certain distillers, within the 6th collection district of Pennsylvania.

For the relief of B. H. Rand.

To alter the time and place of holding courts in the district of Virginia, and for other purposes.

Making a partial appropriation for the support of the navy of the United States, during the year 1822.

For the relief of Jonathan N. Bailey.

Making appropriations for the support of government for the year 1822, and for other purposes.

For the relief of John Anderson.

For the relief of John Thomas.

For the preservation of the timber of the United States in Florida.

Making appropriations for the military service of the United States for the year 1822, and towards the service of the year 1823.

Altering the time of holding the district court in the district of Mississippi.

To amend the act, entitled "An act to establish the district of Bristol, and to annex the towns of Kittera and Berwick to the district of Portsmouth, passed February 25th, 1801.

For the relief of Cornelius Huson.

Making appropriations for the public buildings.

Making an appropriation to defray the expenses of missions to the independent nations on the American continent.

For the relief of the officers, volunteers and other persons engaged in the campaign against the Seminole Indians.

To repeal the act, entitled "An act to encourage vaccination."

Providing for the disposal of public lands in the state of Mississippi, and for the better organization of the land districts in the states of Alabama and Mississippi.

Explanatory to an act, entitled "An act authorizing a settlement of accounts between the United States and Richard O'Brien, late American consul at Algiers."

Making appropriations for the support of the navy of the United States, for the year 1822.

Confirming the title to a tract of land to Alzira Dibrel and Sophia Hancock.

Relating to treasury notes.

For the relief of certain insolvent debtors.

To authorize the issuing of letters patent to Richard Holden.

Authorizing the location of certain school lands in the state of Indiana.

For the relief of Sally Vance.

To revive and continue in force certain acts concerning the allowance of pensions upon a relinquishment of bounty lands.

For the relief of Benjamin Stephenson.

For the relief of Samuel Ewings.

For the relief of Joseph Bainbridge.

For the relief of James Green.

To authorize the secretary of state to issue letters patent to Frederick S. Warburg.

For the relief of James Miller, John E. Elliot, Noah Hampton, James Erwin and Jona. Hampton.

Further to amend the several acts relative to the treasury, war and navy department.

For the relief of John Post and Farley Fuller.

For the relief of William Gwynn.

For the relief of Trapman Jahucke and company.

For the relief of Charles Campbell.

Resolution, directing the classification and printing of the accounts of the several manufacturing establishments and their manufactures, collected in obedience to the tenth section of the act to provide for taking the fourth census.

Resolution, providing for the distribution of the secret journal and foreign correspondence of the old congress; and of the journal of the convention which formed the constitution of the United States.

Resolution for the distribution of the marshals' returns of the fourth census.

Resolution for the security, in the transmission of letters, &c. in the public mail.

For the relief of Peter Cadwell and Jas. Britten.

For the relief of the legal representatives of Maria Therese.

For the relief of the legal representatives of John Guthry, deceased.

For the relief of Alexander Roddy.

For the relief of Susan Berzat, widow, and the legal representatives of Gabriel Berzat, deceased.

For the relief of James Pierce.

For the relief of James Brisban and Jonah Lewis.

For the relief of William Dooly.

For the relief of John Crute.

For the relief of Joshua Caundu, Reuben Hickman and Fielding Hickman.

For the relief of John Pellet.

For the relief of Solomon Prevost.

For the relief of William Henderson.

For the relief of the legal representatives of John Girault.

For the relief of David Cummings.

Supplementary to the act to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war.

For the relief of the heirs of Edwd. McCarty, deceased.

Requiring surveyors' general to give bond and security for the faithful disbursement of public money and to limit their term of office.

For the relief of Anthony Kennedy.

Authorizing the issuing of letters patent to Joshua Garsed.

Fixing the compensation of the commissioner of public buildings.

Making further appropriations for the military service of the United States, for the year 1822; and for other purposes.

For the relief of James Barron.

Vesting in the commissioners of the counties of Wood and Sandusky, the right to certain lots in the towns of Perrysburgh and Crogansville, in the state of Ohio, for county purposes.

Confirming claims to lots in the town of Mobile, and to lands in the former province of West Florida, which claims have been reported favorably on by the commissioners appointed by the U. States.

To establish certain post roads and to discontinue others; and for other purposes.

For the relief of Henry Lee.

To provide for the appointment of deputy collectors of customs.

For the relief of Wm. R. Maddox.

Explanatory of an act for the relief of sundry citizens of Baltimore.

To provide for annuities to the Ottawas, Pottawatamies, Kickapoos, Choctaws, Kaskaskia, Mshulatubbee, and to carry into effect the treaty of Sagawaw.

Unavailable Funds.

Letter from the secretary of the treasury, transmitting sundry documents in relation to uncurrent notes, received from the banks of Edwardsville, Tombeckbe and Missouri.

HOUSE OF REPRESENTATIVES, APRIL 30, 1822.

Treasury department, 27th April, 1822.

SIR: In obedience to a resolution of the house of representatives of the 12th of March last, I have the honor to transmit such additional evidence, as is in the possession of the department, tending to shew that the uncurrent notes received from the banks of Edwardsville, Tombeckbe and Missouri, had been deposited in those banks before the date of the arrangements by which they became responsible, in cash, for all bank notes deposited in them by the receivers of public money; together with all the additional returns and correspondence, required by the resolution, except two letters from the receiver at St. Louis, which are of a confidential nature.

In page 78 of the printed documents, appended to the report from this department, of the 14th of February, will be found the terms upon which the bank of Missouri became the depository of the public money. The bank, most clearly, was not, by that arrangement, responsible for the solvency of banks whose notes might be deposited in it to the credit of the treasurer. This arrangement continued until the 9th of August, 1819, when the president of the bank, by letter, accepted the arrangement proposed in my letter of the 23d June of the same year. But, in that letter, the bank expressly refuses to be responsible for the notes of any bank, not therein enumerated, [see page 84 of the printed documents], and none of the banks whose notes formed a part of the uncurrent money, received from the bank of Missouri, are included in that enumeration. By the same letter, it appears that sums, in the notes of those banks, to a larger amount than was received in uncurrent money from that bank, were, at the date of the letter, in the possession of the bank. If there is any exception to this declaration, it is in relation to the state bank of North Carolina. The president, in that letter, proposes to deposit in the branch bank at Fayetteville, \$50,000 in such paper of that state and of South Carolina and Georgia, as was authorized to be received. The whole sum transferred was \$42,000. The remainder was understood to have been notes of South Carolina and Georgia. The evidence that the whole of the uncurrent notes received from the bank of Missouri had been received on deposit by it, before the date of that letter, and, consequently, before the commencement of the second arrangement, is believed to be entirely satisfactory.

Before the 20th of August, 1820, the bank of Tombeckbe was not bound to transfer the public funds deposited in it. On that day a new arrangement was tendered to it, and a permanent deposit was offered as an inducement to assume that obligation. [See printed documents, page 141-2.] On the 8th of Sept. following, the proposition was accepted. By a reference to a statement, annexed to a letter of the president of the bank, bearing date the 15th August, 1819, it will be seen that there had been deposited in the bank the sum of 15,000 dollars, in notes of the State Bank of North Carolina. About this period the latter bank stopped payment. The amount received from the bank, in the uncurrent notes of the State Bank of North Carolina, has been stated at \$15,311. The sum received after the date of the letter was, therefore, very inconsiderable. [See page 133 of the printed documents.]

By a reference to the printed documents, [page 62,] the terms on which the public money was originally deposited in the bank of Edwardsville will be found. The obligation to transfer the public money and compensation for such service, by means of a permanent deposit, are not among them; nor had the bank the right of selecting the banks, the notes of which were to be received in deposit. In this case, as in the first arrangement with the bank of Tombeckbe, the money deposited was to be entered to the credit of the treasurer as cash. This term was used in opposition to the term special deposit, and was not intended to subject the bank to the payment of specie for notes which were not convertible into specie. It was not understood by either of the parties, that the bank was responsible for the credit of the banks whose notes were deposited in it. The letter of the president of the bank, of the 18th of April, 1820, (page 64, of the printed documents;) and the letter of the same officer, of the 7th of January, 1820, to the hon Ninian Edwards, then a director of the bank, by whom it was transmitted to this department, and herewith communicated, explain most fully the understanding of the directors of the bank, that no such responsibility was intended to be incurred by them.

By the statements of the bank, herewith communicated, it appears that, on the 30th of November, 1819, there were on deposit, to the credit of the treasurer, \$45,475.04; and that the bank had then in its possession \$31,437, in the notes of banks receivable at the land offices. There is no evidence in the department, shewing the amount of Kentucky and Tennessee notes comprehended in that sum. In December, of the same year, there were deposited by the receiver at Edwardsville \$6,063, in Kentucky notes, and \$3,000 in notes of the banks of Tennessee; and, in January, 1820, the receiver at Kaskaskia deposited \$6,250, in Kentucky notes, and \$2,760 in notes of the banks of Tennessee.—These several sums amount to \$17,073. If the same proportion of the notes of the banks of Kentucky and Tennessee were comprehended in the sum of \$31,437, as in the deposits made in the months of Dec. 1819, and Jan. 1820, there would be of Kentucky notes \$4,430, and of Tenn. notes \$2,200. These sums, added to the above sum of \$17,073, make the aggregate amount of \$23,703. But it has been ascertained that, in the month of Dec. 1819, the bank paid, in part satisfaction of a treasury draft \$4,880, in Kentucky notes. This sum being deducted from the amount last mentioned, leaves, of uncurrent money, in the possession of the bank, on the 3d of January 1820, the sum

of \$18,823. The sum received from the bank in uncurrent notes, was \$18,552. In my letter of the 2d of February, 1821, to the president of the bank of Edwardsville, authority was given to place to the credit of the treasurer, notes of the banks of Kentucky and Tennessee to the amount of \$20,000. The evidence in the possession of the department, that that amount had been received on account of the treasury, before the failure of those banks, being, at that time, considered satisfactory. I have had no reason since to change that opinion. The evidence, however, is respectfully submitted to the house.

I remain, with respect, your most obedient servant,
WM. H. CRAWFORD.

Hon. Philip P. Barbour,
Speaker of the house of representatives.

Public Expenditures.

Report of the committee of public expenditures.

IN THE HOUSE OF REPRESENTATIVES, APRIL 27, 1822.

The committee state, that, very soon after the commencement of the present session, it was convened for the purpose of taking its duties into consideration: that it was not a little puzzled in coming to a decision upon the question, of what are the duties of the committee. The rule of the house, to be sure, presents a very extended field for inquiry; many very important subjects by classes, are embraced; but subsequent rules, provide for the appointment of six standing committees, and prescribes to them duties, severally, which, when taken collectively, may, perhaps, occupy every ground, upon which this committee could move. The committee, however, determined to institute an inquiry into the state of the laws, by which the several executive departments are organized, with the view of ascertaining whether any imperfections existed. To this end, a note was addressed to the several heads of departments, including the general post-office, requesting from each an exposition of any existing imperfections, tending to the increase of expenditures; or to leave the officers in a less degree accountable than they ought to be. To this request, so respectfully made, no answers were received which are worthy of being reported. In the mean time, great willingness had been displayed by individual members, to engage in the examination of many subjects, which, perhaps, might fall within the scope of the powers of this, or some other standing committee. This activity on the part of the members, with the more exact information which they seemed to be in possession of, rendered it, in the view of the committee, entirely unnecessary for it to take any further steps. The committee was, therefore, for a considerable time, entirely inactive, believing nothing would be necessary to be reported by it, for the consideration of the house; and it was the more inclined to this course, because it is believed that very few, if any matters, had been acted upon heretofore, by the committee on public expenditures; but some recent occurrences, determined the committee to enter upon the examination of some matters, which, it believes, is proper to be presented to the house.

The committee feel it to be in some degree its duty to present those claims to congress by petition; and a great consumption of time, and consequent expenditure of money, has resulted from the legislation, and the attempts to legislate upon such matters; the rejection of a claim at one session, is no bar to its presentation at another; so, that it

may in truth be affirmed, that legislative inquiries touching such matters are interminable. The committee cannot but consider the consumption of time and money, in legislating upon such matters, connected with the matters which it has stated, as a serious evil in our policy, demanding the application of a proper remedy if any one may be devised. The greater part of the claims which would warrant legislative relief, must be based upon laws previously existing, but rejected at the departments, because of the informality of documentary evidence, or the loss of evidence, or the informal mode of performing the service, or upon some expenditure of money, loss of money, or performance of service, which would, under all the circumstances, place the nation under an obligation to compensate, or refund, or relieve under well settled principles of equity. All the cases, properly falling within either of the above, as two great classes, it seems to the committee might be referred to the judiciary department of the government for examination and decision by a general law. Without intending to give offence to members of congress now in service, or those which have been in service, or may hereafter be in service, but merely to speak of human nature as it is found to exist, the committee feel authorized to say, that there is some cause to fear that some members may have, and that others may hereafter feel, too great a solicitude to favor the applications of individuals, making a merit of doing injustice to the nation, for the benefit of individuals, and that others may have, or hereafter may feel, too strongly inclined to reject such applications, making a merit of economy, founded upon injustice; in like manner, it feels authorized to say, that there is some cause to fear, that such applications have been, and may hereafter be decided upon, without that severe scrutiny which affairs of justice require. The judicial mode of examination and decision, then, in the view of the committee, presents, upon a comparison with the legislative, these advantages. 1st. A great saving of time, consequently a great saving of money. 2dly. A conclusive determination of matters which may be urged before the legislature without end. 3dly. A decision by men not so directly subjected to motives for doing injustice. 4thly. A decision by men, whose habits and prescribed modes of examining questions is more favorable to a right decision of mere questions of law or equity. 5thly. The withdrawal of such subjects from the consideration of congress, would enable the members to bestow more time upon the examination of those matters, which cannot be considered and decided upon by any other department of the government.

The committee have deemed it proper to call the attention of the house to the subject of forts, and other permanent, stationary or fixed defences of the military kind. Upon these subjects, the committee will urge nothing with any high degree of confidence; not professing to be learned or skillful in relation to such matters; but some considerations will, with diffidence, be suggested. The mode of erecting forts, &c. by contracts, is liable to the objection that the undertakers are ever interested in performing the work in a manner less substantial and durable than their contracts require; and this may be effected, in some degree, notwithstanding a very strict scrutiny; and it is liable to the further objection of being extremely expensive. The committee is strongly inclined to believe, that this mode of performing such service ought to be abolished, and that the

performance of it ought to be committed to the military, with the aid of such mechanics as cannot be found among the soldiery, under the superintendence of proper officers of the corps of engineers. This would afford employment to the soldiers, and guard them against the evils of idleness; and even if it should be thought that justice required that some compensation should be made them for such labor, in addition to their monthly pay, still the change of mode might be productive of a considerable pecuniary saving. In this mode, no person may be supposed interested in using improper materials, or in performing labor in a slovenly or unskilful manner; because it may be conducted in such a manner as to give no person any advantage from such improper use, or from such improper workmanship. Again, the officers of the engineer department, it is fair to suppose, ought to superintend the construction of such works, and if the change should have the effect of requiring their attention more strictly, it would thereby be productive of beneficial results. The committee believe that examples of high authority may be adduced in support of the change of policy proposed. It was the policy of Rome, as the committee believe, through her long course of successful warfare with the various nations of the earth.

The committee state further, that, not long since, certain publications were inserted in some of the gazettes of the country, charging many acts of favoritism, fraud, and defalcation in the management of the fiscal concerns of the nation, and of the misapplication and unauthorized application of public money, and of public property. The committee would never believe vague declamatory charges of corruption, or of the wasting of public money, worthy of notice, whether made in newspapers or elsewhere; but when they are made in a precise, definite, and tangible form, they are calculated to disquiet the minds of the people, and demand from their representatives a proper scrutiny. Such, in the view of the committee, is the character of the publications above referred to. The committee, then, believing they deserved examination, determined to investigate the whole of the said charges thoroughly, and present to the house a full view of the evidence to be procured from the several branches of the executive department of the government, hoping thereby to aid in exculpating innocence, of presenting the guilty, if any, in their proper colors, and of ascertaining the defects in the system of laws which relate to the management of the finances of the country. The inquiry has been prosecuted with great diligence, and much evidence, and much evidence has been obtained, but the committee now believe it will not be practical to present to the house, during the present session, a full and digested view of the various charges to which reference has been made. The committee, will, however, in general terms, state, that many of the charges are not well founded; that some of the accounts mentioned in the gazettes have been recently closed; and that some of the balances stated as standing against individuals will be found, upon a final settlement, to be much below the sums now appearing. On the other hand, the committee feel compelled to say that there has been in some of the cases, a degree of negligence on the part of the officers, engaged in the settlement and collection of public moneys, for which no good reason can be assigned, and that considerable losses will result therefrom.

The committee has thought that the several subjects above mentioned, were worthy of being

brought distinctly to the consideration of the house, and, with this view, the following resolutions are submitted:—

1. *Resolved*, That the committee on the judiciary do inquire into the expediency of prescribing, by law, a mode, by which all persons having claims against the United States, on account of money or property, may have the same brought before, examined, and decided upon in the judicial way, embracing therein all cases, where, upon a like state of facts, between individual and individual, an action at law or bill in equity would be sustained.

2. *Resolved*, That, the committee on military affairs do inquire into the expediency of repealing all laws, authorizing the building of forts, and erecting certain other military defences, by contracts made with persons not of the army; and of providing, in lieu thereof, the most advantageous mode of having such services performed by the labor of the regular soldiers, aided by proper mechanics, under the superintendence of the proper officers of the army.

3. *Resolved*, That the committee of ways and means do inquire into the expediency of changing the existing law, in relation to the time of reporting balances to congress, as being due from individuals to the United States, so as to require such report, within one year after the account sought, by law, to be closed. And that the said committee do also inquire into the expediency of prescribing, by law, a more effectual mode of taking surerties from the officers, concerned in the collection and disbursement of public moneys, embracing a mode of renewing the obligations of such officers periodically. And that the said committee do also inquire into the expediency of providing, by law, for the forfeitures of offices, in relation to the collection of their revenue, and the disbursement thereof, on account of certain specified omissions and mal-practices.

United States and Spain.

Message from the president of the United States to the house of representatives.

I transmit to congress translations of two letters from Don Joaquin d'Anduaga to the secretary of state, which have been received at the department of state, since my last message, communicating copies of his correspondence with this government.

JAMES MONROE.

Washington, 6th May, 1822.

[TRANSLATION.]

Don Joaquin d'Anduaga to the secretary of state.

PHILADELPHIA, 24th APRIL, 1822.

SIR: As soon as the news was received in Madrid of the recent occurrences in New Spain, after the arrival at Vera Cruz of the captain general, and supreme political chief appointed for those provinces, Don Juan O'Donoju, and some papers were seen relative to those same transactions, it was feared that, for forming the treaty concluded in Cordova, on the 24th of August last, between the said general and the traitor colonel Don Augustine Iturbide, it had been falsely supposed, that the former had power from his Catholic majesty for that act; and in a little time the correctness of those suspicions was found, as, among other things, the said O'Donoju, when on the 26th of the same August, he sent this treaty to the governor of Vera Cruz, notifying him of its prompt and punctual observance, he told him, that, at his sailing from the peninsula, preparation for the independence of Mexico was already thought of, and that its bases were approved of by the government, and by a commission of the cortes. His majesty, on sight of this, and of the fatal impression which so great an imposture had produced in some ultramarine provinces, and what must without difficulty be the consequence among the rest, thought proper to order that, by means of a circular to all the chiefs and corporations beyond seas, this atrocious falsehood should be disbelieved; and now he has deigned to command me to make it known to the government of the United States, that it is false, as far as general O'Donoju published beyond his instructions, by pointing out to it that he never could have been furnished with other instructions than those conformable to constitutional principles.

In compliance with this order of his majesty, I can do no less than observe to you, sir, how unfounded one of the reasons is in your note of the 6th instant, for the recognition by this government of those of the insurgent provinces of Spanish America, that it was founded on the treaty made by O'Donoju with Iturbide; since, not having had that power nor instruction to conclude it, it is clearly null and of no value.

I repeat to you, sir, the sentiments of my distinguished consideration, and pray God that you may live many years. JOAQUIN D'ANDUAGA.

[TRANSLATION.]

Don Joaquin d'Anduaga to the secretary of state.

PHILADELPHIA, 26th APRIL, 1822.

SIR: I have received your note of the 15th instant, in which you are pleased to communicate to me the reasons which induce the president not only to refuse to his Catholic majesty the satisfaction which he demanded, in his royal name, for the insults offered by general Jackson to the Spanish commissaries and officers; but to approve fully of the said chief's conduct.

Before answering the contents of the said note, I thought it my duty to request instructions from my government; and, therefore, without delay, I have laid it before them. Until they arrive, therefore, I have confined myself to two observations: 1st. If, in my note of the 18th of November last, I said, that, as general Jackson had not specified the actions which had induced him to declare the Spanish officers expelled from the Floridas criminal, nor given proof of them, I thought myself authorized to declare the accusation false—I did not this through inadvertency, but upon the evident principle that every person accused has a right to declare an accusation destitute of proof false, and much more an accusation not pretended to be proved. This assertion of mine does not presume that I am not persuaded of the merit of the said general, and of the claim which he has upon the gratitude of his country; but although it is believed the duty of his country to eulogize and reward his eminent services, yet it will be lawful for the representative of a power outraged by him, to complain of his conduct. I cannot persuade myself that, to aggravate my said expression, you could have thought that I had been wanting in due respect, it not being possible for that opinion to have entered your mind, when, by his orders, Mr. Forsyth had sent to the Spanish minister, on the 1st of September last, a note, in which, complaining of the captain general of the Island of Cuba, he accuses him of *dishonorable pecuniary motives*, in not having delivered the archives, without giving any proof of so injurious an assertion; and I must remark, that the rank of general Mahy in Spain, is at least as elevated as that of general Jackson in the United States, and that the services performed by him to his country have rendered him as worthy as he is of its consideration and respect.

2. Although you are pleased to tell me that part of the papers taken from col. Coppinger are ready to be delivered, which the American commissioners, after having examined them, have adjudged to be returned to Spain, I do not think myself authorized to admit their return in this manner, but in the mode which I demanded in my note of the 22d of November last.

As I have seen by the public papers that the president has communicated to congress the note, which you were pleased to address to me, dated the 15th inst. and that it has been ordered to be printed, I take the liberty of requesting that you will

have the goodness to use your influence that this my answer may be treated in the same manner, that congress and the public may be informed that if I have not answered the first part of it, as respects the general business, it is only to wait for the instructions of my government, but that I have answered what was personal.

I renew to you, sir, the sentiments of my distinguished consideration.

JOAQUIN D'ANDUAGA.

John Quincy Adams, secretary of state.

General Post-Office.

IN THE HOUSE OF REPRESENTATIVES—APRIL 29.

Mr. *Sanders*, from the select committee appointed to investigate the post-office department, made the following report thereon:

The select committee to whom was referred the investigation of the affairs of the post office department, have had, according to order, the same under consideration, and beg leave to report:—

That, as the attention of the committee was directed to no specific object, but to the fiscal affairs of the post office department generally, they have endeavored to give to their examination such a direction as they considered most likely to elicit any improper transactions in the department, if any such existed, and at the same time to exhibit its concerns in such a point of view as would best enable the house to judge of its management and condition.

The investigation, however, which the committee have been enabled to make, has been of too partial a character to prove satisfactory even to themselves. The lateness of the period at which it was commenced, the preliminary calls which they found it necessary to make, added to their other duties in the house, forbid their going into that extensive inquiry into the different contracts, receipts, and expenditures of the department, which would have required their exclusive attention for weeks, but from which alone, a full, fair, and correct report of its various transactions can ever be made. Partial abuses may be examined and exposed, and thus lead to the correction of others of more consequence, though more difficult to discover. The points of inquiry to which the attention of the committee has been especially directed, and the facts which they have been enabled to collect, may not prove without their use. These points are as follows, viz:

1. Whether duplicates of all contracts and proposals made and entered into with the department, have been lodged with the comptroller of the treasury?

2. Whether, in any instance, contracts have been improperly given to one person, in preference to another?

3. Whether the public money has been improperly advanced to contractors, or other persons in the service of the department, in anticipation of their services?

4. Whether certain deputy postmasters have made due returns of the expenses incident to their office, and whether they have not been allowed for extravagant expenditures?

Whether the postmaster general has taken timely steps for the recovery of the different sums due the department from deputy postmasters?

I. With respect to the first point of inquiry, the committee called on the comptroller of the treasury, to be furnished with the duplicates of certain contracts and the proposals, for the purpose of ex-

amining the same, which they were unable to obtain. They then addressed a letter to the comptroller of the treasury, for the purpose of knowing on what principle the accounts of the postmaster general were audited and settled. In reply, they learnt that, from the practical construction given to the act for regulating the post-office establishment, the receipts, and not the contracts, were taken as the criterion of settlement, and the post-office accounts audited accordingly. If the duplicates of contracts and the proposals, were merely to be deposited for safe keeping with the comptroller, and not as vouchers to direct him in passing upon the different payments made by the postmaster-general, it could be a matter of but little consequence whether the requisites of the law, in this particular, were complied with or not. The committee now learn that a different mode of settlement is determined on; and though it may be attended with some difficulty and delay, it certainly will produce more correctness and responsibility.

II. On the second point of inquiry, the committee learnt, from rumor, that contracts had been improperly obtained from the department, and afterwards sold out to considerable profit. But, from a careful examination of the books in which are entered the different proposals, though they find many instances in which the contract was not given to the lowest bidder, still they have not been enabled to discover any one which particular circumstances might not have justified.

III. On the third point of inquiry, as to moneys advanced contractors, and other persons in the service of the department, in anticipation of their services, the committee find that, on the 1st day of January last, there were on the post-office books, unliquidated accounts for moneys and debts thus advanced, the amount of \$54,354 00

That since that time, there has been repaid by services rendered 17,233 75

That, of this sum, there was advanced by the late postmaster-general 13,707 49

That most of these advances may have been properly made in aid of post office contracts, though in some instances no such reason could have existed. That, of this amount, there will probably be lost something short of \$10,000.

In connection with this subject, the attention of the committee has been directed to the transportation of the mail between Philadelphia and New-York, and the employment of Chester Bailey as agent and contractor with the department. They find so early as 1811, the mail between those cities was carried under the immediate control of the department, under the superintendence of Chester Bailey, as agent, and with the property of the United States, purchased for that purpose. That, for the year 1814, as will appear from the annexed account of Chester Bailey, the expense of transporting the mail between Philadelphia and Jersey City, to have been \$9,154 29. That the postmaster general then contracted with Chester Bailey, for the transportation of the mail, on the same route, at 6,500 dollars, giving him the use of the United States' property. That this arrangement continued until 1818, when Chester Bailey agreed to take, at valuation, the United States' property, and continue the carriage of the mail at the same price. That the property was valued to him, by two contractors, at \$2,885, much less than the cost, or what must have been its real value. That since that time, the mail has been carried, by contract, at six thousand five hundred dollars per annum. It further appears, that there has been paid to

Chester Bailey, for various services as agent of the department, \$1,042 53. That he receives an annual salary of \$800 as agent, besides his travelling expenses, when called on by the department, in discharge of such duties as may be required of him. Whatever necessity may have existed for his employment, whilst the mail between Philadelphia and New-York was carried at the expense of the department, the committee can perceive no such necessity to exist at present.

The act regulating the post-office establishment declares that, in no instance, shall deputy postmasters receive a larger compensation than two thousand dollars, after deducting the expenditures incident to their office. It further provides, that every deputy postmaster, whose receipts shall amount to 1,000 dollars, shall make an annual return of the expenses incident to his office. The act does not, in express terms, give to the postmaster-general a control over their expenses, many of which appear highly extravagant, and ought to be curtailed. From the annexed returns, it will be seen that the commissions of forty-one deputy postmasters, and the contingent expenses allowed for their offices, amount to

\$112,066 75

To which should be added the extra compensation of the deputy postmaster in Washington, one of the number,

1,000 00

Making \$113,066 75

The last object of inquiry with the committee, was for the purpose of knowing whether the postmaster-general had directed suits in all cases of failure, on the part of deputy postmasters, within the time prescribed by law, and if not, whether he had charged himself with the amount of their accounts, for failing to do so. This was a fact difficult to ascertain, as well from the multiplicity of deputy postmasters, the number against whom suits had been brought, and the particular time of instituting the same. The committee find, from the balances as stated on the books of the post-office department, there appears due to the general post office, up to the 1st day of Jan. last, \$424,462 24½

That of this sum there was due from deputy postmasters in office, and who had gone out of office

370,108 24½

That of this sum there was in suit, as near as could be ascertained

100,000 00

But whether these suits were instituted in the time prescribed by law, the committee have not been enabled to ascertain.

In conclusion, the committee will submit a brief comparative view of the receipts and expenditures of the department, between a former and the last year.

The receipts of the post-office department for the year 1816, were

\$961,782 00

For transportation of the mail

\$521,970 00

Compensation and incidental expenses

282,452 00

804,422 00

Balance in favor of the department

\$157,360 00

The receipts for the year 1821, were

1,029,102 00

For transportation of the mail

\$814,998 06

Compensation and incidental expenses

365,003 00

1,180,001 00

Against the department

\$150,959 06

On the 31st of December last, there were six hundred and ninety three contracts for the carriage of the mail, on one thousand and forty eight post routes. But whether these increased objects of expenditure, or the want of a proper management in the post-office concerns, has produced this large difference, the committee will not undertake to decide.

As the investigation of the committee has resulted in what may require legislative enactments, and as they have no power to report by bill, they submit the following resolution:

Resolved, That the committee appointed to investigate the affairs of the post-office department, be discharged from the further consideration of the subject.

The report was ordered to be printed and laid on the table.

HOUSE OF REPRESENTATIVES, MAY 1.

Mr. F. Johnson, from the committee on the post office and post roads, presented the following communication from the postmaster general; which was ordered to be laid on the table.

General post-office, April 26, 1822.

Sir: I have the honor to transmit herewith a statement, exhibiting the actual condition of the general post-office department, conformable to your request.

Very respectfully, your most obedient servant,

R. J. MEIGS, Jr.

HON. FRANCIS JOHNSON,
*Chairman of the committee of
post-office and post roads.*

Statement of the actual condition of the post-office department.

Amount of postages collected from the establishment of the post-office, viz. from the year 1793 to April 1, 1814, inclusive

\$7,890,531 00

Amount of postages collected under the administration of R. J. Meigs, viz. from April 1, 1814, to January 1, 1822,

8,083,829 00

Difference

\$193,298 00

Amount of outstanding debit balances, or debts due the department, April 1, 1814

\$246,958 00

Amount of do. do. do. do. Jan. 1, 1822,

424,462 00

Leaving, for increase of do. do. from

April 1, 1814, to Jan. 1, 1822,

\$177,494 00

Average amount of postage now collected in one quarter of a year

270,000 00

Excess of one quarter's postage over amount of debts, accruing from April 1, 1814, to Jan. 1, 1822

92,507 00

From the data above it appears, that the increase of debit balances, or amount of debts accruing under the administration of R. J. Meigs, jr. is 177,494 dollars, which is but a small fraction over 2 per cent. on the amount of postage during the same period.* Of this sum, viz. \$177,494, a part is due by late postmasters whose accounts are now in suit—a part by late postmasters, whose accounts have been stated and sent out for collection—and a larger proportion by postmasters now in office, who are daily making payments by deposits in

*This remark applies as well to the general balance, \$424,462 as to the increase of ditto.

bank, by remittances, and on drafts issued by the department.

It will also be seen that the amount of postages collected under R. J. Meigs, jr. exceeds the total amount collected previous to his administration, in the sum of \$193,298; and that the total amount of debit balances accruing under his administration is less than the amount of one quarter's postage, in the sum of \$92,307.

The amount of losses cannot be accurately stated, but is ascertained to be very small, and is believed to be less than one-tenth of one per cent. on the amount of postage.

The increase of post-offices, since April 1, 1814, is about two thousand.

The amount now in suit is stated at about \$100,000.

Amount paid by R. J. Meigs, jr. into the treasury of the United States, \$385,878 21.

The yearly amount now paid for the transportation of the mail is \$814,998 06.

The total amount of advances, or balances due by contractors, whose contracts have expired, from April 1, 1814, to January 1, 1822, is \$4,009 95, which is less than one twelfth part of one per cent. on the amount paid for mail transportation. No loss is ascertained to have arisen from these advances.

Carver's pretended Grant.

Message from the president of the United States, upon the subject of Jonathan Carver's claim to a tract of land within the United States, near the Falls of St. Anthony:

To the house of representatives:

In compliance with a resolution of the house of representatives of the 29th of January last, requesting the president of the United States to cause to be communicated to that house, certain information relative to the claim made by Jonathan Carver to certain lands within the United States, near the falls of St. Anthony, I now transmit a report from the secretary of the treasury, which, with the accompanying documents, contain all the information on this subject, in the possession of the executive.

JAMES MONROE.

Washington, April 23, 1822.

Treasury department, 22d April 1822.

Sir: In obedience to a resolution of the house of representatives of the 29th of January last, which has been referred to this department, I have the honor to transmit the enclosed report of the commissioner of the general land office, with the copy of a letter from colonel H. Leavenworth to the said commissioner, which contain all the information in the possession of this department, relative to the claim of Jonathan Carver to certain lands within the United States, near the Falls of St. Anthony.

I remain, with respect, &c.

WM. H. CRAWFORD.

The president of the United States.

General land office, Feb. 8th, 1822.

Sir: In obedience to the resolve of the house of representatives of the United States, of January 29, 1822, "that the president of the United States be requested to cause to be communicated to this house such information as may be obtained from any report of the commissioner of the general land office, heretofore made on the subject, or

from other documents in any of the public offices, relative to the claim made by Jonathan Carver, to certain lands within the United States, near the Falls of St. Anthony," which is this day referred to me, I have the honor to state—

That during the winter of 1766, 1767, Jonathan Carver resided at or near the Falls of St. Anthony, on the river Mississippi, being the only white person there, and asserted that the Naudowessie Indians gave him about 100 miles of square land, on the east side of the Mississippi, between the Falls of St. Anthony and lake Pepin.

By proclamation of the king of Great Britain, dated October 7, 1763, the purchase of lands from the Indians is prohibited, in the following terms, viz. "We do strictly enjoin and require, that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlements; but that if, at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose, by the governor or commander in chief of our colony, respectively, within which they shall lie."

Captain Jonathan Carver had been an officer in the British service, in the war, which terminated by the treaty concluded at Paris, February 10th, 1763; his pretended purchase was therefore in direct violation of the rules and regulations of his own government, and in any court under that government would have been judged null and void.

The same correct policy, which dictated the proclamation of October 7th, 1763, has been invariably adhered to by the United States, and was ably supported by their ministers, during the negotiation at Ghent, in 1814; particularly in the note of September 26, addressed to the British commissioners.

I beg leave to transmit, as a part of this report, a copy of a letter from col. Henry Leavenworth, of the army of the United States, containing information on this subject, which, it is presumed, will be deemed valuable.

Frequent applications have been made to this office, by gentlemen from various parts of the United States, requesting an opinion on the validity of Carver's claim, to all of which, the answer has been, that the claim is unfounded and of no validity. All of which is respectfully submitted.

I am &c. &c.

JOSIAH MEIGS.

Hon. Secretary of the treasury.

Sir: Agreeably to your request, I have the honor to inform you, what I have understood from the Indians of the Sioux nation, as well as some facts within my own knowledge, as to what is commonly termed, "Carver's grant."

The grant purports to be made by chiefs of the Sioux of the Plain; and one of the chiefs uses the sign of a serpent, and the other a turtle, purporting that their names are derived from those animals.

The land lies on the east side of the Mississippi. The Indians do not recognize or acknowledge the grant to be valid, and they (among others) assign the following reasons:

1st The Sioux of the Plain never owned a foot of land on the east side of the Mississippi; the Sioux nation is divided into two grand divisions, viz: the Sioux of the Lake, or perhaps more literally Sioux of the River, and Sioux of the Plain.

The former subsists by hunting and fishing, and usually move from place to place by water, in canoes, during the summer season, and travel on the ice in the winter, when not on their hunting excursions.

The latter subsist entirely by hunting, and have no canoes, nor do they know but little about the use of them. They reside in the large prairies west of the Mississippi, and follow the buffaloes, upon which they entirely subsist; those are called *Sioux of the Plain*, and never owned land on the east side of the *Mississippi*.

2d. The Indians say they have no knowledge of any such chiefs, as those who have signed the grant to Carver, either amongst the Sioux of the River, or among the Sioux of the Plain. They say that if captain Carver ever did obtain a deed or grant, it was signed by some foolish young men who were not chiefs, and who were not authorized to make the grant. Among the Sioux of the River there are no such names.

3d. They say that the Indians "never received any thing for the land," and they have no intention to part with it without a consideration.

From my knowledge of the Indians, I am induced to think that they would not make so considerable a grant, and have it go into full effect, without receiving a substantial consideration.

4th. They have, and ever had, the possession of the land, and intend to keep it. I know that they are very particular in making every person who wishes to cut timber on that tract, *obtain their permission* to do so, and to obtain payment for it. In the month of May last, some Frenchmen brought a large raft of red cedar timber out of the Chip-pawa river, which timber was cut on the tract before mentioned; the Indians at one of the villages on the Mississippi, where the principal chief resided, compelled the Frenchmen to land the raft, and would not permit them to pass until they had received pay for the timber; and the Frenchmen were compelled to leave their raft with the Indians, until they went to Prairie du Chien and obtained the necessary articles, and made the payment required. I am, sir, very respectfully, &c.

H. LEAVENWORTH.

To Josiah Meigs, esq.

Commissioner, &c. &c. &c.

CHRONICLE.

Our venerable friend, Dr. JAMES TILTON, of Delaware, having attained nearly threescore and seventeen years, has departed from works to rewards. The revolutionary period did not furnish a more disinterested patriot; nor can the world produce a man more honest than he was. Having always entertained something like a filial regard for the deceased, we shall claim the indulgence of our readers for a sketch of his character in a future REGISTER—time not being allowed to prepare it for the present number.

The U. S. ship *Hornet*, captain R. Henley, sailed from Norfolk on the 7th inst. on a cruise.

The U. S. schooner *Enterprise*, lieut. Kearney, was lately left at Tampico taking in water for a cruise. She had taken, at different times, seventeen sail of piratical vessels, but their crews had always escaped.

Died, recently, at Philadelphia, commodore Thomas Truxton, late of the navy of the United States: at Farmington, Con. John Hosford, aged 96. He had

never buried a child—his six children, the oldest 70, the youngest 56, attended his funeral. He lived to see the 5th generation.

A charity sermon, in favor of the institution for the deaf and dumb, was lately preached at New-York, by Mr. Summerfield, at which 1,000 dollars, less eight or ten, were collected.

Tuscan consul.—The president of the United States has recognized the baron de Lederer, as consul of his imperial highness the duke of Tuscany, for the states of New-York, New Jersey, Pennsylvania, Maryland and Virginia.

Fires. A fire took place at Baltimore on the morning of the 3d inst. and 12 or 13 small buildings were consumed, in that part of the city which is called Irish town. In general, the houses were of light frame, and there was no possibility of obtaining a supply of water any where in the neighborhood—a part of that which was obtained, was derived from a pump, and thence driven about 2000 feet through a hose: one person was killed by the falling of timber. At Norfolk, on the morning of the 1st inst. about 30 tenements were destroyed by fire, some of which were valuable, as well as their contents, which fell a prey to the flames.

The state arsenal, belonging to N. York, at Rome, was consumed by fire a few days ago, by which about 700 stand of arms, &c. were destroyed. It was not known how the fire originated.

A woolen manufactory, on a very large scale, is about to be erected at the Falls of the Walkill, near Newburg, N. Y. The site is said to be equal to that at the Falls of the Passaic, in New Jersey.

Court martial. The court martial lately sitting at Boston, suspended captain John Shaw for six months, a sentence which has since been approved by the president of the United States.

Fecundity. There is now living in the county of Campbell, a negro woman, belonging to a gentleman of the name of Todd—this woman is in her 42d year, and has had 41 children, at this time is pregnant with her 42d child, and, possibly, with her 43d, as she has frequently had doublets. This fact is well known to many gentlemen in this county, and is susceptible of easy and complete proof.

[Lynchburg Press.]

Beggars. The police of New York have swept the streets of the beggars that infested them, and hurried those persons off to the penitentiary or alms house, as the nature of their cases required. We wish that something of the sort could be done in Baltimore, especially to rid us of the applications of children, sent out by profligate parents to be trained up to knavery and prostitution. It is a much mistaken charity to give indiscriminately to them.

Mexican coat of arms. The junta of the new state of Mexico, [we beg pardon, empire,] has decreed, that the arms of the empire, for all sorts of seals, shall be the Nopal tree, [the Cochineal fig tree] growing from a rocky field, near a lake; on the left of the hill, an eagle with an imperial crown.—The national flag and colors of the army are to be tri-colored, always adopting green, white and carnation, in vertical stripes, and displaying, in white, an eagle crowned. [Charleston City Gazette.]

War department, 22d April, 1822. As a testimony of respect to the memory of brigadier general Moses Porter, a soldier of the revolution, and an officer of distinguished merit, the officers of the army will wear crape on the hilt of their swords for the space of thirty days. J. C. CALHOUN.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 13—VOL. X.] BALTIMORE, MAY 25, 1822. [No. 13—VOL. XXII. WHOLE No. 559

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We have commenced in the last pages of this week's Register the publication of the documents relative to the diplomatic controversy between Messrs. Adams and Russell, which will be concluded in the first pages of the next number; so that, when the volume is bound, no interruption will occur.

THE SPY, or a tale of the Neutral Ground. A third edition of this fascinating American novel is now in the press; and the two former editions are said to have yielded the author the handsome sum of two thousand dollars. It will probably pass through several editions more, though British reviewers may ask, "who reads an American book?"

Led on by the mighty clamor that was made about "the Pirate," (the work of "the Great Unknown," though generally believed to be Sir Walter Scott), when it first appeared in the United States, I snatched enough time to read that romance—and, having done so, a spirit of national pride induced me to go over "the Spy." I make no pretensions to the character of a critic, and only know what pleases and interests myself—and, according to this scale, "the Spy" is as much the superior of "the Pirate" as the flow of genius excels the dull drudgery of book-making—though the latter contains many chapters worthy of the highest admiration of those who esteem books of this class.

The author of "the Spy" is said to be engaged in writing a new work to be called "the Pioneers of the Susquehannah." The opportunity is happily fitted to ascertain whether the British are willing to return our courtesy, as to such matter as makes up about a third part of the volumes of "the great unknown"—that is, barbarous words, difficult to read and understand, and worth nothing, except to swell the size of the book, when read and understood. We would respectfully suggest that, in his new work, our author should introduce a dozen or two *Mohawks*, and suffer them to jabber freely in their own tongue, or half English half Indian, if he pleases. The more uncouth and unintelligible the jargon is, the better—the closer will be the copy of "the great unknown." The roasting of a prisoner now and then might also be well, to hold up the manners of the times to admiration! and a warrior driving his tomahawk into the skull of his enemy, would furnish as pretty a plot as many of those so elegantly set forth in the "Scotch novels!"

"The Spy" has been dramatised, and performed with complete success at many of our principal theatres.

Our countryman, *Washington Irving*, is at present in London. He has just sold a new work, called *Bracebridge Hall* to a bookseller of that metropolis, for one thousand guineas.

GENERAL STARK. This veteran has paid the great debt of nature at the advanced age of 93 years, 8 months and 24 days. He died at Manchester, on the banks of the Merrimack, and his funeral was attended by a great concourse of people. He was the last surviving general officer of the revolution, and his character in private life was unblemished. The New-Hampshire "Patriot," of the 13th inst.

contains a well written sketch of his life, which we shall give a place to as soon as we have a little room to spare for it.

LA FAYETTE—the scholar of Washington and friend of liberty, was lately present at a public dinner given in Paris to M. Zea and gen. Cortes, commissioners from the republic of Colombia. Among the guests were also gen. Foy, B. Constant, and others of the chamber of deputies.

THE WIND HAS CHANGED. The editor of the "Franklin Gazette," as if to support the pretensions of one reputed candidate for the presidency at the expense of another, says that "ALL the distractions of the debates in congress, during the last session, have arisen from the derangement of the affairs of the treasury."

Indeed?—But if the reader will refer to pages 97 and 129 of the last volume of the "Register," he will find that the same editor, and in the same gazette, attacked me because I said that the affairs of the treasury were deranged! What a change has been effected in the space of six months in the opinions of this gentleman—but then, he was apparently the friend of the individual to whom he is now opposed, and so the nature of the case is altered! While Mr. Crawford was the favorite, all things were snug at the treasury—he has ceased to be so with Mr. Norvell, and the affairs of that department are deranged!

I dislike this blowing of hot and cold—this seeming disposition to disguise or misrepresent facts from personal views. It is a sort of electioneering that is truly reprehensible.

Much has been said of the state of the treasury in this paper, and its "derangement" was completely shewn. There are some little-minded men that cannot distinguish the line between a reprehension of measures and attacks upon men; and I have received a number of grave letters, some approbating and others reproving me for running a-foul of Mr. Crawford!—though nothing was further from my intention than to depreciate the character of that gentleman. I was, and am, and ever shall be, the enemy of the system which, I presume, it is his duty to make the most of that he can, until public opinion, through the representatives of the people, shall establish a national revenue, built upon the prosperity of the national industry, and independent of the will or whim of foreigners. It is well known that the president considers the present revenue plan best fitted to the wants and condition of the country; and whether he is right or wrong in this matter, it can hardly be expected that the secretary of the treasury should volunteer a system opposed to that so esteemed by his superior—whose peculiar business it is to recommend measures to the deliberation of congress, and who has power also to put his veto on bills passed by that body, if not approved of by him. The different secretaries are, in fact, no more than as executive clerks, and cannot do any thing of themselves, without, at least, the implied consent of the president: and he can dismiss them at pleasure. What I think the secretary of the treasury is blameable for is this—that he has not simplified the manner of keeping

the accounts, whereby errors or mistakes might have been prevented, which have grown into faults, by misleading himself and deceiving the people: but we are not prepared for this to abuse and traduce him, though we have liberally examined and freely commented on many of his reports; and it is right we should say that he has accomplished some considerable savings in his department, and would have effected others of far greater importance, if his suggestions had been attended to by those who had the power to act upon them.

As electioneering begins to "*wax hot*," these things are stated, or rather repeated, that we may be entirely understood. Freely granting to others the right assumed for our own government, they may, if they please, indecently puff up or disgracefully attempt to put down whom they will—as a tax levied on the public reason for the liberty of the press: we shall not, knowingly, do one or the other. There has been a very unfair *running* at the secretaries of state, treasury and war, even in congress—and, on several occasions, certain of them have been *bolstered* in a manner disreputable to the parties concerned. Some of those cases will probably be pointed at hereafter, to assist the will-disposed part of the community to separate the facts from the electioneering matter—the filth of personal views and petty aggrandizement. That mistakes have been committed, nay, that abuses exist, is to me undoubted; but this should not lead us into a belief of the *foul corruption* that some ascribe to one or another of the departments, that the *perfection* of a favorite may become the more manifest. The claim to almost *infallibility*, which is sometimes preferred, is hardly less tolerable than the absolute *degradation* which is attempted to be shewn. It cannot be supposed that Messrs. Adams, Crawford, or Calhoun, Mr. Clay and others spoken of as fitted to succeed to the chief magistracy of the United States, are cold enemies of their country, destitute of talents, or without moral principle. Let their conduct and character, their opinions and principles, be severely tested—as public men, they are responsible at the bar of the public reason; but "truth is a victor without violence," and it is a disgrace to the *nation* that men of such standing should be spoken of as more fitting for the cells of a penitentiary than to mix in the society of decent men. The practice that obtained when Messrs. Adams and Jefferson were put up for the presidency, and which so frequently prevails in some of the states when the election of a governor is about to take place, was and is dishonorable to all the persons engaged in it—for if one fiftieth part of what was sent out as the truth had really been so, it would have appeared that the candidates for the most dignified offices in the gift of the people, were the most accomplished villains in Christendom; and it is a great misfortune that otherwise worthy gentlemen too often tolerate the promulgation of a known lie, at the time of an election, if they believe that the matter stated will subserve their private wishes: but I am of opinion, that an electioneering lie is as much a lie as any other sort of lie—that the time of telling a lie does not alter the magnitude of the lie. It is on this principle that we shall endeavor to act. The *Register* will not, cannot, be given up to the support or reprehension of any man—but things shall be freely discussed: and when we see that a fact is mis-stated which the people are interested in knowing the truth of, they shall see the truth in this paper if we can ascertain it, let it favor or prejudice whose interest it may. If found impossible to pursue this

course, (as it may be, from the great quantity of matter which the electioneering season shall furnish), we may be compelled wholly to retire from such discussions as will implicate the character of individuals, even by the remotest reference: for we dare not call hard names and abuse persons, though the practice is sanctioned by the usage of the splendid *patriot*, Mr. Walsh, editor of the "*National Gazette*," and persevered in by the *elegant* and *truly republican*, Mr. Hall, editor of the *Portable Foolery*: making an exception, however, in favor of the latter, to whom we "owe one," and it shall be paid—if, on consideration, we think that the thing is worth a good whipping; about which we have not yet made up our minds.

HARD TIMES. Every body has heard of the scarcity of money at N. York, and most of the dealing men in our other cities have felt the effects of it—yet the manager of the theatre in that city lately received as his benefit, the sum of two thousand six hundred and fifty dollars and fifty cents. Many that had tickets could not get into the house, and some went away without purchasing tickets, for the reasons just stated.

FORTUNE. Colonel Joseph Dudley, of Roxbury, Massachusetts, is said to be the lineal heir of the earldom of Leicester, and the splendid estates that belong to the title. The property is estimated to be worth 1,900,000 dollars. The well known castle of "Kenilworth" stands on the domain. All this may easily be the case. A Philadelphia butcher, sometime ago, was found out to be one of the "*Corinthian pillars*" of Great Britain—and, probably, a better man than nine out of ten of the nobility of that island.

FLORIDA. By one of the acts of congress, the sum of 6000 dollars is appropriated for a survey of the coast of Florida, under the direction of the president. An accurate chart of the coast, as well as a knowledge of the capabilities of the numerous little islands that are located on it, are things of great importance. We are told that many of these islands are heavily timbered, and several of them abound with deer; evidences that the soil is good and that they are supplied with fresh water. There is no possible reason why these islands should not produce the coffee-tree and most other West India plants.

MISS MCCREA. The remains of this interesting young lady, murdered by the Indians in 1777, whose piteous history is known to every body, were recently disinterred and deposited in the church yard at Fort Edward, N. Y. The mark of the fatal tomahawk is said to have been still visible in her skull. The spot at which her relics reposed, is thus described in Silliman's Tour to Quebec:

"This beautiful spring, (where she fell), which still flows limpid and cool, from a bank near the road side, and this fatal tree (to which she was tied, we saw. The tree, which is a large and ancient pine, "fit for the mast of some tall admiral," is wounded in many places by the balls of the whites fired at the Indians; they have been dug out as far as they could be reached, but others still remain in the ancient tree, which seems a striking emblem of wounded innocence; and the trunk, twisted off at a considerable elevation by some violent wind, that has left only a few mutilated branches, is a happy, although a painful memorial of the fate of Jenne M'Crea. Her name is inscribed

on the tree, with the date 1777, and no traveller passes this spot, without spending a plaintive moment in contemplating the untimely fate of youth and loveliness."

DOMESTIC GOODS. We noticed, sometime since, the praise-worthy proceedings of many ladies of Washington county, in Pennsylvania, to encourage the consumption of domestic manufactures—and it appears that about one hundred young men lately met at Cross Creek, in the same county, and entered into the following resolution:

Resolved, That we will, in paying our addresses to the young ladies, give the most marked preference to such as clothe themselves in homespun, and make use of articles the growth of our own country."

"The deuce is in it," provided these resolutions are maintained on both sides, if it does not become fashionable in this county to be clothed in homespun. But, indeed, there are many farmers in Pennsylvania and New-York, &c. worth more than 50,000 dollars, who hardly expend 10 dollars a year for foreign articles of clothing; and by hundreds of others, their daughters are required to make as much homespun goods, beyond the family wants, as will furnish themselves with such imported things as they desire to have. The present pinching times are doing wonders for the good of the country. The pressure will pass away through economy and industry, but the benefit of it will remain with us, to build up a home pride and exalt the national feeling.

AMERICAN AND BRITISH COTTONS. The "Manufacturers' Journal," of Providence, R. I. furnishes us with the following facts: A lady of that place purchased seven yards of British Chambray, at 17 cents per yard, which was found to weigh exactly *twelve ounces*, "starch included," or $9\frac{1}{4}$ yards to the pound. The cloth was apparently made of such cotton as commands from 18 to 19 cents per lb.—but for every pound of cloth the consumer paid at the rate of one dollar and fifty cents per lb.

American cloths of this kind are sold at the same price, but not starched and dressed up to make them look thick and durable, because they are so; and it takes only $4\frac{1}{2}$ or $4\frac{3}{4}$ yards of domestic Chambray to weigh a pound—so the consumer pays for the pound of home-made goods less than *one-half* of what the foreign fabrick costs: of course, the last is, by one-half, the cheapest.

HEMP AND FLAX. These raw materials are about to become second in importance only to cotton, and their product may be even more valuable. We have before us beautiful specimens of home-made flaxen thread, at 50 and 75 cents per lb. A late Kentucky paper says—"Mr. Dey's valuable machine for cleaning hemp, has been found to answer the most sanguine expectations of the public. The hemp, which this machine turns out, is unrotted, much stronger than that dressed in the old way, more beautiful, and yields a larger quantity. It already commands a higher price than Russian hemp." *This is great news!*

INDIAN CIVILIZATION. The following extract of a letter, dated the 15th ultimo, written by the U. States Indian agent, resident in Ohio, to his friend in Baltimore, has been handed to us:

"The Shawanese Indians have abandoned their town, and scattered themselves over their reserva-

tion, (at Waupaghkonetta), on farms; frolicking, drinking and dancing have almost ceased, and they are doing better than they have ever done before; many of them have now neat farms and dwelling houses."

The Shawanese tribe have been, for a long time past, under the superintendence of the society of Friends; we cite this extract for no other purpose, than as one instance, amongst the thousand daily presented to our eyes, of the cheering amelioration of the human race. Light and knowledge are gradually advancing; the son of the wilderness quits his bow and arrow, and his tomahawk, and quietly begins to cultivate the earth. We might indulge, on the present occasion, in a variety of reflections, on prospects that afford equal consolation to the christian and to the philanthropist, but we forbear.

Chronicle.

NORTHERN BOUNDARY. The Eastern Argus, in reference to the disputed boundary line between the state of Maine and the British territories, states that the line contended for by the British commissioners, will take off about one third of the state, a tract of land equal in extent to Vermont or Massachusetts.

THE UPPER MISSISSIPPI. A letter from the post at St. Peter's, adjacent to the Falls of St. Anthony, on the Mississippi, gives us some interesting particulars of the progress of this important establishment, built up under the direction of the department of war, by col. Snelling, for the purpose of securing the peace of the frontiers, protecting the fur trade, and maintaining the laws which regulate intercourse with the Indian tribes.

A strong and very respectable fort has been built; there is a considerable village at the post, and a most powerful saw mill and sufficient grist mill have been erected—the supply of the more southern posts with lumber is already spoken of as a matter likely to happen. The neighboring country is rich and productive, but said to be literally covered, at some seasons of the year, with grasshoppers, which destroy the tender plants. The Indians are peaceable, and resort to the post freely—the trade with them is pretty extensive, and this late distant point seems to have been drawn close to the line that marks the boundary of the civilized settlements. We shall, no doubt, soon hear that steam boats arrive at and depart from the Falls of St. Anthony!

It appears that lord Selkirk's colony of Scotch is located within the limits of the United States—it is expected that a direct and regular communication will soon be opened with the colonists by our agents and officers, through the facilities of navigation afforded by the *Father of waters*.

The increased care and attention of the government to ascertain the capacities and develop the resources of our country, cannot be too highly commended—yet we may be permitted to express a wish that such care was extended to revenue, which is the sinew of the whole, and that which, above all things, we should not remain in a state of dependence for. The late visit to "Thompson's island," on the Florida coast, is a part of the enlightened policy which we have commended—and that little and hitherto neglected spot may soon become a place of the highest interest—even to serve as a check upon the possessor of Havana, if disposed to molest the invaluable trade of the gulf.

POPULATION OF GREAT BRITAIN. The following is a comparative statement of the population of England, Wales, and Scotland, as exhibited by the official enumerations of 1801, 1811, and 1821. It appears that the ratio of increase during the period intervening between the two first dates, is, in England, above 14½ per cent.; in Wales, 13 per cent.; in Scotland, 13 per cent.; and in the aggregate of the island of Great Britain, 14 per cent. In the latter period of ten years, the increase was, in England, 18 per cent.; Wales, 17 1-5 per cent.; Scotland 15 6-7 per cent.; and, in the aggregate, above 17 2-3 per cent.

	1801.	1811.	1821.
England	8,331,434	9,538,827	11,260,555
Wales	541,546	611,788	717,108
Scotland	1,599,068	1,805,688	2,092,014
	10,472,048	11,956,303	14,065,677
Army & navy	470,598	640,500	310,000
Totals	10,942,646	12,596,803	14,379,677

The population of the islands in the British seas not having been ascertained in 1801 and 1811, no comparative statement thereof can be given; the existing population of those islands, when enumerated in the year 1821, appears to have been as follows, viz. In the Isle of Man, 40,084; in the island of Guernsey (and its dependent islets) 20,827; in the island of Jersey, 28,600; in the Sicilly Isles, 2,614; in all these islands 92,122 inhabitants.—*Boston Daily Advertiser.*

RECAPITULATION.

Population of England, 1821	11,260,555
Wales	717,108
Scotland	2,092,014
The adjacent islands	92,122
Ireland, (as below)	6,846,946
Army and navy	310,000
Grand total	21,316,745

IRELAND. The inhabitants of this island, by the census of 1821, were ascertained to be 6,846,946—shewing an increase of less than half a million since 1813. The population, in the present condition of the society, may be considered as nearly full.

The province of Munster contains 1,879,804 Irish acres of land, and 2,005,363 souls—has 463 resident clergy of the established church, 635 of the Roman catholic religion, 9 of the Presbyterian, and 20 of other professions—and 2,117 schoolmasters or teachers of youth.

Ulster contains 1,761,698 acres, and 2,001,966 inhabitants; 440 established resident clergy, 319 Roman catholic, 216 Presbyterian, 111 of other persuasions, and 2,479 schoolmasters or professional teachers.

Leinster has 2,125,783 acres taxable land, and 1,785,702 inhabitants; 637 resident clergy of the established church, 683 Roman catholic, 11 Presbyterian, and 11 of other professions, and 2,141 schoolmasters or teachers.

Connaught has 1,006,581 taxable acres of land and 1,053,918 inhabitants, 157 resident clergy of the established church, 357 Roman catholic, 3 Presbyterian, and 3 other dissenters, with 1,223 schoolmasters and professional teachers.

Though the general increase of population is so small, some of the counties have advanced very rapidly; Cork, in 1813, had only 523,936 inhabitants—in 1821, 702,000; Limerick, in 1813, 103,865—in 1821, 214,286.

FROM ARKANSAS. On the 15th instant, we received five numbers of the Arkansas Gazette, printed at "Little Rock," the seat of the territorial government. The file was complete—commencing on the 5th of March and ending on the 2d of April, and every number was in good condition. The latter consideration is creditable to the *safety* of the mails, but the receipt of such a file is not complimentary to their *regularity*.

One of these papers speaks of the state of things at Fort Smith—a post on the Arkansas river, under the command of major Bradford. The force stationed there amounts to 250 men, and it is said, that not a solitary death among the soldiers has occurred since the establishment of the post, four years ago, until after the late augmentation of the force—since when there have been some cases of the dysentery and a few deaths. It appears, that the troops brought the disease in them, for no new cases had appeared at Fort Smith.

The distance from the mouth of the Arkansas river to Little Rock, the seat of government of Arkansas, (says the National Intelligencer,) is computed at 300 miles; and the distance thence to the Cherokee missionary establishment, on the Arkansas, at 130 miles. Recently, a steam-boat ascended the river the whole distance from the Mississippi river to within twelve miles of the missionary establishment. What a country is this, where there are rivers navigable for four hundred miles, which we are but just beginning to hear of!

THE SANDWICH ISLANDS. The arrival of an American vessel from these distant islands, is now quite an ordinary event. We learn, by a ship that has lately arrived at Nantucket, that the *royal palace* at Woahoo was destroyed by fire on the morning of the 10th Nov. ult. It consisted of three large elegant buildings of wicker-work, and was totally consumed in about 20 minutes. It was chiefly by the efforts of Americans present, that three large and commodious buildings adjacent, (which were brought out in frame from the United States), were preserved. One thousand casks of powder were deposited near the palace, and great fears were entertained of an awful explosion—but it did not take place.

The natives of these islands are making a great progress in civilization. They are rapidly assuming the manners and habits of the Americans and English, with whom they have much intercourse—28 ships and brigs having visited them in the year 1821, and there are a good many Americans settled among them, besides the missionaries. Idolatry has ceased, the "church going bell" is heard on Sundays, which is duly observed—schools are established, and every thing wears the face of prosperity and improvement. The natives own ten square rigged vessels, besides schooners and sloops—chiefly employed in proceeding from island to island, for commercial purposes. They are good seamen: one of these vessels recently made a voyage to Kamschatka—she was commanded by a white man, but all of her crew were natives. Tamorea, king of Atooi, has recently married Karhamanha, dowager of Tamahamaha, late king of these islands—this queen is too far advanced in years to add to the stock of the royal family, says the account.

COLOMBIA. It is stated that the seven departments, of Oronoco, Venezuela, Zulila, Boyaca, Cundinamarca, Cauca, and Magdalena, including 23

provinces, contain 2,024,600 inhabitants. Each department is entitled to four senators, making 28, and the provinces to 73 representatives.

The population of Panama and Veraguas, is 80,000. They are entitled to three representatives.

The population of the seven provinces of Quito is estimated at 550,000, and when its independence is established, will have 19 representatives.

Thus the republic of Colombia will comprise a population of 2,644,600 inhabitants, and the congress will be composed of 44 senators and 95 representatives.

MILITIA FINES. It appears from a report made to congress, that the fines imposed by courts martial in Pennsylvania, upon militia men, for not performing duty, during the war with England, amounted to \$351,981 66, of which \$3,822 24 have been remitted by governors of the state: It also appears, that not one cent. of the balance exceeding 300,000 dollars, has ever been received by the United States from the late marshal or his deputies: The sum admitted by the late marshal to have been received by him from his deputies, is \$75,719 63, and from delinquent militia men, \$1,217 83. Whether the remainder of the fines imposed, exceeding 200,000 dollars has been collected or not, does not appear. The balance has now been transferred by the United States to Pennsylvania, with full power to collect it. *Aurora.*

LITERARY NOTICE. We learn that Mr. N. Elliott, of Catskill, will soon publish eleven books of the Illiad, from the text of the celebrated edition of professor Heyne, of Gottingen; with a selection of notes from Heyne and others, intended for the use of the colleges and schools of our country. It is published with the approbation of the gentlemen connected with Harvard university and Yale college; and will, we are informed, be adopted for use in those seminaries, and in several others. It is printed on the new and beautiful Greek type of the Codman press, belonging to the Theological seminary at Andover. *N. Y. paper.*

THE HOPPER-BOY. Having taken notice of the case as referred to in the following letter, addressed to the editor of the "Morning Chronicle," we feel it a duty to insert it, for the public information.

Mr. Allen: I observed yesterday, in a country paper, a quotation from the Morning Chronicle, in which it is stated, that "Oliver Evans' patent right to the hopper-boy has been declared, by a decision of the supreme court at Washington, to be void as a patent for an improvement, because the specification is not according to law, and void as a patent for the whole machine, because he was not the original inventor." This is a mistake. Such an opinion was expressed by four judges against three, but as the court was so much divided, and some of those judges who concurred in the opinion, were understood to have entertained, to the last, considerable doubt, a re-hearing at the next term was applied for and ordered. The question consequently remains open, and it is very far from being certain that the same opinion will be held by a majority of the court at next term.

Having argued the case as counsel for the representatives of Evans, and made, on their behalf, the motion for a re-hearing, I think it right to correct this mistake, which may be very prejudicial to their

interests. For this purpose I request you to publish this note.

Your obedient servant,

ROBT. G. HARPER.

Baltimore, May 12th, 1822.

CHRONICLE.

Small pox. Between 30 and 40 persons are afflicted with the small pox in the small village of Fraystown, Penn. which contains about 200 inhabitants.

The Erie canal has been further opened to Hartwell's Basin, about 11 miles from Rochester—10,000 barrels of flour were at the Basin, and a great quantity at Rochester, with other commodities, that would soon be afloat.

Lake Erie—a new steam boat, called the Superior, to ply on this lake, was recently launched at Buffalo, with a salute of 13 guns.

The cattle raised in Westmoreland county, Pa. and sent to an eastern market, during the last twelve months, are supposed to have produced the sum of 60,000 dollars.

Hurricane. There was a terrible hurricane at Huntsville, Alabama, and its neighborhood, in the night of the 13th ult. Houses, fences, orchards and forests were prostrated by it. In several instances, every member of a family had limbs broken or was otherwise seriously injured—yet it was not known that any person had been killed.

Genieel appellation. Dr. Davy says the name of the officer who commanded the drummers and trumpeters of the king of Candy, was "Tamboroo-purampee-too-cruo-Mohandiram-nihami."

Lover's leap. A young woman, resident near the Albion Mills in Canada, lately threw herself off a precipice, 100 feet high—and, of course, was killed—on account of a disappointment in love.

Breach of promise of marriage is becoming quite a fashionable law proceeding to the eastward—and the willing lasses have put the unwilling lads into smart damages, in many instances. One who had courted a lady nine years and then would not marry her, was compelled to pay 1500 dollars, at a late sitting of Dutchess county court, in New York.

New York. The revenue collected at the port of New York in 1790, amounted only to 470,000 dollars—in 1821, it was 7,200,000. It is supposed that the sum will not be less than nine millions in the present year—this port receives nearly three-fourths of all the foreign goods that now arrive in the U. States.

Savannah, April 26. Eighteen of the Africans which were brought into this port some time last year in the prize brig General Ramirez, have been ordered by the president to proceed to Norfolk, and from thence they will be sent in a government vessel to Africa. Agreeably to this order, the marshal of the district shipped these Africans on board the sloop Spartan, bound for Baltimore. We understand they were decidedly opposed to the idea of returning back to their own country.

Diplomatic Controversy.

Message from the president of the United States, transmitting, (pursuant to a resolution of the house of representatives of 7th May), a letter of Jonathan Russel, late one of the plenipotentiaries of the United States, at the negotiation of Ghent; with remarks thereon, by the secretary of state:

To the house of representatives of the United States:

In compliance with the resolution of the house of representatives, of the 19th of April, requesting the president "to cause to be communicated to the house, if not injurious to the public interest, any letter which may have been received from Jonathan Russell, one of the ministers who concluded the treaty of Ghent, in conformity with the indications contained in his letter of 25th of December, 1814," I have to state, that, having referred the resolution to the secretary of state, and it appearing, by a report from him, that no such document had been deposited among the archives of the department, I examined and found among my private papers a letter of that description, marked 'private' by himself. I transmit a copy of the report of the secretary of state, by which it appears that Mr. Russell, on being apprized that the document referred to by the resolution had not been deposited in the department of state, delivered there 'a paper, purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then secretary of state, to be communicated to the house, as the letter called for by the resolution.'

On the perusal of the document called for, I find that it communicates a difference of opinion between Mr. Russell and a majority of his colleagues, in certain transactions which occurred in the negotiations at Ghent, touching interests which have been since satisfactorily adjusted by treaty between the United States and Great Britain. The view which Mr. Russell presents of his own conduct, and that of his colleagues, in those transactions, will, it is presumed, call from the two surviving members of that mission, who differed from him, a reply, containing their view of those transactions, and of the conduct of the parties in them, and who, should his letter be communicated to the house of representatives, will also claim that their reply should be communicated in like manner by the executive—a claim which, on the principle of equal justice, could not be resisted. The secretary of state, one of the ministers referred to, has already expressed a desire that Mr. Russell's letter should be communicated, and that I would transmit, at the same time, a communication from him respecting it.

On full consideration of the subject, I have thought it would be improper for the executive to communicate the letter called for, unless the house, on a knowledge of these circumstances, should desire it; in which case the document called for shall be communicated, accompanied by a report from the secretary of state, as above suggested. I have directed a copy to be delivered to Mr. Russell, to be disposed of as he may think proper, and have caused the original to be deposited in the department of state, with instruction to deliver a copy to any person who may be interested. JAS. MONROE.

Washington, May 4, 1822.

Department of state, Washington, May 3, 1822.

The secretary of state, to whom was referred the resolution of the house of representatives of the 19th ultimo, requesting the president "to cause to be communicated to the house, if not injurious to the public good, any letter or communication which may have been received from Jonathan Russell, esq. one of the ministers of the United States who concluded the treaty of Ghent, after the signature of that treaty, and which was written in conformity to the indications contained in said minister's letter, dated at Ghent, 25th of December, 1814," has the honor of reporting to the president, that, until after the adoption of the said resolution by the house,

there was upon the files of the department of state no letter from Mr. Russell, of the description mentioned therein; but that Mr. Russell himself has since delivered at the department a communication purporting to be the duplicate of a letter written by him from Paris, on the 11th of February, 1815, to the then secretary of state, to be communicated to the house, as the letter called for by their resolution.

A copy of this paper is herewith submitted to the president.

JOHN QUINCY ADAMS.

To the house of representatives:

In compliance with the resolution of the house of representatives, of the 7th of May, requesting the president of the United States "to communicate to that house the letter of Jonathan Russell, esq. referred to in his message of the 4th instant, together with such communications as he may have received relative thereto, from any of the other ministers of the United States who negotiated the treaty of Ghent," I herewith transmit a report from the secretary of state, with the documents called for by that resolution.

JAMES MONROE.

Washington, May 7, 1822.

Department of state, Washington, May 7, 1822.

The secretary of state has the honor of transmitting to the president of the United States his remarks upon the paper deposited at the department of state on the 22d of last month, by Jonathan Russell, late one of the plenipotentiaries of the United States, at the negotiation of Ghent, to be communicated to the house of representatives, as the letter called for by their resolution of the 19th of that month; and the secretary of state respectfully requests that the president would transmit to the house of representatives these remarks, together with the above-mentioned communication of Mr. Russell, on the renewal of the call therefor by the house.

JOHN QUINCY ADAMS.

Mr. Russell to the secretary of state.

PARIS, February 11, 1815.

[PRIVATE.]

SIR—In conformity with the intimation contained in my letter of the 25th of December, I now have the honor to state to you the reasons which induced me to differ from a majority of my colleagues on the expediency of offering an article confirming the British right to the navigation of the Mississippi, and the right of the American people to take and cure fish in certain places within the British jurisdiction.

The proposition of such an article appeared to be inconsistent with our reasoning to prove its absolute inutility. According to this reasoning, no new stipulation was any more necessary, on the subject of such an article, than a new stipulation for the recognition of the sovereignty and independence of the United States.

The article proposed appeared also to be inconsistent with our instructions, as interpreted by us, which forbid us to suffer our right to the fisheries to be brought into discussion; for, it could not be believed that we were left free to stipulate on a subject which we were restrained from discussing, and that an argument, and not an agreement, was to be avoided. If our construction was indeed correct, it might not, perhaps, be difficult to show that we have not, in fact, completely refrained from the interdicted discussion.

At any rate, the proposal of the article in question was objectionable, inasmuch as it was incompatible with the principles asserted by a majority

of the mission, and with the construction which this majority had adopted on that part of our instructions which related to the fisheries. If the majority were correct in these principles, and in this construction, it became us to act accordingly; if they were not correct, still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord with the majority, either in their view of the treaty of 1783, whence they derived their principles, or of our instructions; and that my great objection to proposing the article did not rise from any anxiety to reconcile our conduct with our reasoning and declarations.

I could not believe that the independence of the United States was derived from the treaty of 1783; that the recognition of that independence, by Great Britain, gave to this treaty any peculiar character, or that such character, supposing it existed, would necessarily render this treaty absolutely inseparable in its provisions, and make it one entire and indivisible whole, equally imperishable in all its parts, by any change which might occur in the relations between the contracting parties.

The independence of the United States rests upon those fundamental principles set forth and acted on by the American congress, in the declaration of July, 1776, and not on any British grant in the treaty of 1783, and its era is dated accordingly.

The treaty of 1783 was merely a treaty of peace, and, therefore, subject to the same rules of construction as all other compacts of this nature. The recognition of the independence of the United States could not well have given to it a peculiar character, and excepted it from the operation of these rules. Such a recognition, expressed or implied, is always indispensable on the part of every nation with whom we form any treaty whatsoever. France, in the treaty of alliance, long before the year 1783, not only expressly recognized, but engaged effectually to maintain, this independence; and yet this treaty, so far from being considered as possessing any mysterious peculiarity, by which its existence was perpetuated, has, even without war, and although part of it contained words of perpetuity, and was unexecuted, long since entirely terminated.

Had the recognition of our independence by Great Britain given to the treaty of 1783 any peculiar character, which it did not, still that character could have properly extended to those provisions only which affected that independence. All those general rights, for instance, of jurisdiction, which appertained to the United States, in their quality as a nation, might, so far as that treaty was declaratory of them, have been embraced by such peculiarity, without necessarily extending its influence to mere special commercial liberties and privileges, or to provisions long since executed, not indispensably connected with national sovereignty, or necessarily resulting from it.

The liberty to take and cure fish, within the exclusive jurisdiction of Great Britain, was certainly not necessary to perfect the jurisdiction of the United States; and there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of fishing within the common jurisdiction of all nations, which accrued to us a member of the great national family. On the contrary, the distinction between the special liberty and the general right appears to have been well understood by the American ministers who negotiated the treaty of 1783, and to have

been clearly marked by the very import of the terms which they employed. It would evidently have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a sovereign right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our national existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege, which they expressly made to depend, to a very considerable extent, for its continuance, on mere events and private interests, as partaking of the character and entitled to the duration of the inherent properties of sovereignty. The settlement of the shores might, at any time, have been effected by the policy of the British government, and would have made the assent of British subjects, under the influence of that policy, necessary to the continuance of a very considerable portion of that liberty. They could not have meant thus to place, within the control of a foreign government and its subjects, an integral part, as we now affect to consider this privilege, of our national rights.

It is from this view of the subject that I have been constrained to believe that there was nothing in the treaty of 1783 which could essentially distinguish it from ordinary treaties, or rescue it, on account of any peculiarity of character, from the *jura belli*, or from the operation of those events on which the continuation or termination of such treaties depends. I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions, in that treaty, which had an immediate connection with our independence, that it did not necessarily affect the nature of the whole treaty, or attach to a privilege which had no analogy to such provisions, or any relation to that independence.

I know not, indeed, any treaty, or any article of a treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a war between the parties, without being especially renewed, by reference or recital, in the succeeding treaty of peace. I cannot, indeed, conceive of the possibility of such a treaty or such an article; for, however clear and strong the stipulations for perpetuity might be, these stipulations themselves would follow the fate of ordinary unexecuted engagements, and require, after a war, the declared assent of the parties for their revival.

We appear, in fact, not to have had an unqualified confidence in our construction of the treaty of 1783, or to have been willing to rest exclusively on its peculiar character our title to any of the rights mentioned in it, and much less our title to the fishing liberty in question. If hostilities could not affect that treaty, or abrogate its provisions, why did we permit the boundaries assigned by it to be brought into discussion, or stipulate for a restitution of all places taken from us during the present war? As such restitution was secured by the mere operation of the treaty of 1783, why did we discover any solicitude for the *status ante bellum*, and if resist the principle of *uti possidetis* on that ground?

With regard to the fishing privilege, we distinctly stated to you, in our letter of the 21st of December, that, "at the time of the treaty of 1783, it was no new grant, we having always before that time enjoyed it," and thus endeavored to derive our title to it from prescription. A title derived from immemorial usage, antecedent to 1783, could not well owe its origin or its validity to a compact concluded

at that time; and we could, therefore, in this view of the subject, correctly say that this privilege is no new grant; that is, that our right to the exercise of it was totally independent of such compact. If we were well founded, however, in the assertion of our prescriptive title, it was quite unnecessary to attempt to give a kind of charmed existence to the treaty of 1783, and to extend its undefinable influence to every article of which it was composed, merely to preserve that title, which we declared to be in no way derived from it, and which had existed, and, of course, could exist, without it.

It was rather unfortunate, too, for our argument against a severance of the provisions of that treaty, that we should have discovered, ourselves, a radical difference between them, making the fishing privilege depend on immemorial usage, and, of course, distinct in its nature and origin from the rights resulting from our independence.

We, indeed, throw some obscurity over this subject, when we declare to you that this privilege was always enjoyed by us before the treaty of 1783; thence inferring that it was not granted by that treaty, and in the same sentence, and from the same fact, appear also to infer, that it was not to be forfeited by war any more than any other of the rights of our independence, making it thus one of these rights, and, of course, according to our doctrine, dependant on that treaty. There might have been nothing incomprehensible in this mode of reasoning, had the treaty recognized this privilege to be derived from prescription, and confirmed it on that ground. The treaty has, however, not the slightest allusion to the past, in reference to this privilege, but regards it only with a view to the future. The treaty, therefore, cannot be construed as supporting a pre-existing title, but as containing a grant entirely new. If we claim, therefore, under the treaty, we must renounce prescription, and if we claim from prescription, we can derive no aid from the treaty. If the treaty be imperishable in all its parts, the fishing privilege remains unimpaired without a recurrence to immemorial usage; and if our title to it be well founded on immemorial usage, the treaty may perish without effecting it. To have endeavored to support it on both grounds, implies that we had not entire confidence in either, and to have proposed a new article, indicates a distrust of both.

It is not, as I conceive, difficult to shew that we cannot, indeed, derive a better title to this fishing privilege from prescription than from any indelible quality of the treaty of 1783.

Prescription appears to me to be inapplicable to the parties and to the subject, and to be defective both in fact and effect. As to the parties, the immemorial enjoyment of a privilege within British jurisdiction, by British subjects, the inhabitants of British colonies, could not well be considered as evidence of a title to that privilege claimed by the citizens of an independent republic, residing within the exclusive jurisdiction of that republic.

That people of the United States, as such, could have claimed no special privilege within the dominion of any foreign power from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of seven years, which is surely not beyond the memory of man, (*ultra memoriam hominis*.) The people of the United States had never, in fact, during that period, enjoyed the fishing privilege a moment, being effectually prevented therefrom by the existing state of hostilities.—Nor could the inhabitants of the colonies originally

constituting the United States, even in their colonial condition, acquire against their sovereign any right from long usage or mere lapse of time, (*nullum tempus regi occurrit*.) The British sovereign was always competent to regulate and restrain his colonies in their commerce and intercourse with each other, whenever and however he might think proper; and, had he forbid his subjects in the province of Massachusetts to fish, and dry and cure fish, in the bays, harbors, and creeks of Labrador, which, by the way, had not immemorially belonged to him, it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting on account of any pretended right from immemorial usage. The fishing privilege, therefore, enjoyed by British subjects within British jurisdiction, could give no permanent and independent right to those subjects themselves, and a *fortiori*, no such right to the citizens of the United States, claiming under a different estate and in a different capacity. Great Britain might, indeed, as well prescribe for the prerogatives of her sovereignty over us, as we for any of the privileges which we enjoyed as her subjects.

I do not think it necessary to inquire how far the practice of the people of Massachusetts, was the practice of the whole original thirteen United States, or of the United States now including Louisiana, or how far the immemorial usage of the people of Boston, can establish a prescriptive right in the people of New Orleans. I trust I have said enough to shew that prescription is inapplicable to the parties. It is, also, I conceive, inapplicable to the subject.

Had the United States, as an independent nation, enjoyed, from time immemorial, the fishing privilege in question, still, from the nature of this privilege, no prescriptive right could have thence been established. A right to fish, or to trade, or to do any other act or thing within the exclusive jurisdiction of a foreign state, is a simple power, a right of mere ability, (*jus mera facultatis*), depending on the will of such state, and is consequently imprescriptible. An independent title can be derived only from treaty.

I conceive, therefore, that our claim to the fishing privilege, from immemorial usage, is not only unsupported by the fact, but cannot, in effect, result from such usage.

I have, from this view of the subject, been led to conclude, that the treaty of 1783, in relation to the fishing liberty, is abrogated by the war; that this liberty is totally destitute of support from prescription; and that we are, consequently, left without any title to it whatsoever. For, I cannot prevail upon myself to seek for such a title in the relative situation of the parties, at the time of negotiating the treaty of 1783, and contend, according to the insinuation contained in our letter to you of the 21st of December, that the jurisdiction of Great Britain over the colonies, assigned to her in America, was a grant from the United States, and that the United States, in making this grant, reserved to themselves the privilege in question.—Such a pretension, however lofty, is so inconsistent with the circumstances of the case, and with any sober construction which can be given to that treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my colleagues, relative to the character of the treaty of 1783, as well as with regard to every other foundation on which they were disposed to

rest our title to the fishing privilege. I shall now proceed to explain the causes which influenced me to dissent from them in the interpretation of our instructions. These instructions forbid us to permit our rights to the trade beyond the Cape of Good Hope, to the fisheries, and to Louisiana, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our sovereignty, and resulted from it, and not to mere special liberties and privileges which had no relation to that sovereignty, either as to its nature or extent.

The right, relating to the trade beyond the Cape of Good Hope, was the right which belonged to us as an independent nation, in common with all other independent nations, and not the permission of trading to those parts of the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the fisheries, contemplated by our instructions, was, I conceived, the right common to all nations, to use the open sea for fishing as well as for navigation, and not to the liberty to fish and cure fish within the territorial limits of any foreign state. The right to Louisiana, which was not to be brought into discussion, was the right to the empire and domain of that region, and not to the right of excluding Great Britain from the navigation of the Mississippi.

How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire, but certainly the majority believed themselves permitted to offer a very explicit proposition with regard to the navigation of its principal river. I believed, with them, that we were so permitted, and that we were likewise permitted to offer a proposition relative to the fishing liberty, and, had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded, that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated in no way our instruction, or affected the general rights which we were forbidden to bring into discussion. Considering, therefore, the fishing liberty to be entirely at an end, without a new stipulation for its revival, and believing that we were entirely free to discuss the terms and conditions of such a stipulation, I did not object to the article proposed by us, because any article on the subject was unnecessary or contrary to our instructions, but I objected specially to that article, because, by conceding in it the free navigation of the Mississippi, we offered, in my estimation, for the fishing privilege a price much above its value.

In no view of the subject could I discover any analogy between the two objects, and the only reason for connecting them and making them mutual equivalents for each other, appeared to be, because they were both found in the treaty of 1783.

If that treaty was abrogated by the war, as I consider it to have been, any connection between its parts must have ceased, and the liberty of navigating the Mississippi by British subjects must, at least, be completely at an end; for it will not, I trust, be attempted to continue it by a prescriptive title, or to consider it as a reservation, made by the United States, from any grant of sovereignty, which, at the treaty of peace, they accorded to Great Britain. If, indeed, it was such a reservation, it must have been intended for our benefit, and, of course, could be no equivalent for the fishing privilege. If it is considered as a reservation

made by Great Britain, it will reverse the facts assumed by us in relation to that privilege.

The third article of the treaty of 1783, respecting the fisheries, and the eighth article of that treaty, respecting the Mississippi, had not the slightest reference to each other, and were placed as remote, the one from the other, as the limits of that treaty could well admit. Whatever, therefore, was the cause of inserting the fishing liberty, whether it was a voluntary and gratuitous grant on the part of Great Britain, or extorted from her as a condition on which the peace depended, it could have had no relation to the free navigation of the Mississippi. Besides, the article relative to this river, must, from the evident views of the parties at the time, from their supposed relations to each other, and from their known relations to a third power, as to this river, have been considered of mutual and equal advantage, and furnished no subject for compensation or adjustment in any other provision of that treaty. Both parties believed that this river touched the territories of both, and that, of course, both had a right to its navigation. As Spain possessed both banks of this river, to a considerable distance from its mouth, and one of its banks nearly throughout its whole extent, both parties had an interest in uniting to prevent that power from obstructing its navigation. Had not the article been intended to engage the parties in relation to Spain, they would, probably, have limited it to the navigation of the river as far as their own territories extended on it, and not have stipulated for its navigation to the ocean, which necessarily carried it through the exclusive territories of Spain.

If the circumstances had been, in fact, such as the parties at the time believed them to be, and with a view to which they acted; or had these circumstances subsequently experienced no radical change; Great Britain would have gained now no more than she would have granted by the revival of the article in relation to the Mississippi, and would not, any more than in 1783, have acknowledged any equivalent to be conferred by it for our liberty relative to the fisheries. The circumstances, however, assumed by the parties, at the time, in relation to Great Britain, and from which her rights were deduced, have not only in part, been discovered not to have existed, but those which did exist have been entirely changed by subsequent events. It has been ascertained that the territories assigned to Great Britain, no where, in fact, reached the Mississippi; and the acquisition of Louisiana by the United States, has forever removed the Spanish jurisdiction from that river. The whole consideration, therefore, on the part of Great Britain, whether derived from her territorial rights, or from her part of the reciprocal obligations relative to Spain, having entirely failed, our engagements, entered into on account of that consideration, may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have had no title to the navigation of the Mississippi, even if a war had not taken place between the parties. To renew, therefore, the claims of Great Britain, under that article, subject to this construction, would be granting her nothing; and to renew that article, independent of this construction, and without any reference to the circumstances that attended its origin, in 1783, or to the events which have since occurred in relation to it, would be granting her advantages, not only entirely unilateral, as it relates to the article itself, but, as

I believe, of much greater importance than any which we could derive from the liberty relative to the fisheries.

If the article which we offered merely intended to rescue the third and eighth articles of the treaty of 1783, from the operation of the present war, and to continue them precisely as they were immediately prior to this war, the third article being then in full force, and the eighth article being no longer obligatory, we should have attempted to exchange, like general Drummond, the dead for the living.

It is not surprising, therefore, that the British government should, in suspecting such an intention, have rejected our proposition. I was opposed, however, to making the proposition, not only because I was convinced that it was offered with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi, under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the treaty of 1783.

The whole of the Mississippi, being now exclusively within the acknowledged jurisdiction of the United States, a simple renewal of the British right to navigate it would place that right beyond the reach of the war, and of every other previous circumstance which might have impaired or terminated it; and the power to grant, on our part, being now complete, the right to enjoy, on hers, under our grant, must be complete also.

It would be absurd to suppose that anything impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi precisely as she could have navigated it immediately after the treaty of 1783; as if her territories extended to it and as if Spain was in entire possession of one of its banks and of a considerable portion of the other. The revival of the British right to navigate the Mississippi would be, under existing circumstances, a new and complete grant to her, measured by these circumstances, and thence embracing not only the entire freedom of the whole extent of that river, but the unrestrained access to it across our territories. If we did not intend this, we intended nothing which Great Britain could accept; and, whatever else might have been intended, if not at once rejected by her, would hereafter have been the subject of new and endless controversy. When, however, we connected the revival of the navigation of the Mississippi with the revival of the liberty of taking and curing fish, within the British jurisdiction, two things which never before had any relation to each other, we evidently meant, if we acted in good faith, not only to concede, as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained. In thus offering the navigation of the Mississippi, and the access to it through our territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that in which they respectively stood, in the treaty of 1783, and acted somewhat inconsistently with our own reasoning, relative to the origin and immortality of the latter, but we offered to concede much more than we could hope to gain by the arrangement, with whatever view its comparative effects might be estimated.

From the year 1783 to the commencement of the present war, the actual advantages derived from the fishing privilege by the people of the United States, were, according to the best information that I can obtain on the subject, very inconsiderable and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs, in the high northern latitudes, where this privilege was chiefly located, prevented the effectual curing of fish in those regions, and, consequently, lessened very much the value of the liberty of taking them there. By far the greatest part of the fish taken by our fishermen before the present war, was caught in the open sea or upon our own coasts, and cured on our own shores. This branch of the fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and despatch than the privileged portion with the British jurisdiction, that it has not only been generally preferred by our fishermen, but would probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing fish, within the British jurisdiction, would not, at all, diminish the aggregate quantity taken by the people of the United States, or very materially vary the details of the business. That part of the fisheries which would still have belonged to us as a nation, being exhaustless, would afford an ample field for all the capital and industry hitherto employed in the general business of fishing, or merchandizing of fish, and on that field might the few fishermen, who had hitherto used the liberty of taking and curing fish within the jurisdiction of Great Britain, exert their skill and labor without any serious inconvenience. This liberty, liable in a very considerable degree by the terms in which it was granted, to be curtailed by the government and subjects of a foreign state; already growing into voluntary disuse by our own citizens, on account of the difficulties inseparable from it, and absolutely incapable of extension, was totally unnecessary to us for subsistence or occupation, and afforded, in no way, any commercial facility or political advantage. This privilege, too, while it was thus of little or no utility to us, cost Great Britain literally nothing.

The free navigation of the Mississippi, with the necessary access to it, is a grant of a very different character. If it was not heretofore used by Great Britain, it was, perhaps, because she did not consider herself entitled to it, or because the circumstances of the moment suspended its practical utility. The treaty of 1783 stipulated for her the navigation of this river, under the presumption that her territories extended to it, and of course, could not intend to give her an access to it through our territories. The British possessions to the westward of Lake Erie, being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her, particularly as her right to reach it was at least equivocal; and as by another treaty, she could carry on trade with our Indians.

This navigation might, indeed, for a long time to come, be of little use to her for all the legitimate purposes of transit and intercourse; but every change that could take place in this respect must increase its importance to her; while every change in the fishing liberty would be to the disadvantage of the United States.

The freedom of the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access which would have been inferred from the article which we proposed, would have placed in the hands of Great Britain and her subjects, all the facilities of communication with our own citizens, and with the Indians inhabiting the immense regions of our western territory. It is not in the

nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and intrigue would have been laid open, and our western territories would have swarmed with British smugglers and British emissaries. The revenue would have been defrauded by the illicit introduction of English merchandise; and the lives of our citizens, and the security of a valuable portion of our country, exposed to Indian hostilities, excited by an uncontrolled British influence. If our instructions to guard against such an influence, forbid us to renew the British liberty to trade with our Indians, we certainly violated the spirit of those instructions in offering the means of exercising that influence with still greater facility and effect than could result from that liberty.

What was there in the fishing liberty, either of gain to us or loss to Great Britain, to warrant, in consideration of it, a grant to her of such means of fraud and annoyance? What justice or equality was there in exposing to all the horrors of savage warfare the unoffending citizens of an immense tract of territory, not at all benefitted by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, in a remote quarter, entirely exempt from the danger?

Such have been the reasons which induced me to differ from a majority of my colleagues, with regard to the article in question, and which, I trust, will be thought sufficient, at least, to vindicate my motives.

The unfeigned respect which I feel for the integrity, talents, and judgment of those gentlemen, would restrain me from opposing them on slight grounds, and a deference for their opinions makes me almost fear that I have erred in dissenting from them on the present occasion. I can but rejoice, however, that the article, as proposed by us, was rejected by Great Britain, whatever were her reasons for rejecting it; whether, as above suggested, she suspected some tacit reservation, or want of faith on our part, or supposed, from the price we at once bid for the fishing privilege, that we overrated its value, and might concede for it even more than the navigation of the Mississippi, with all its accessory advantages.

We are still at liberty to negotiate for that privilege in a treaty of commerce, should it be found expedient, and to offer for it an equivalent, fair in its comparative value, and just in its relative effects. In any other way, I trust, we shall not consent to purchase its renewal.

I have the honor to be, with profound respect, sir, your faithful and obedient servant,

JONATHAN RUSSELL.

My argument to demonstrate the abrogation of the treaty of 1783, by the present war, and the consequent discontinuance of the fishing privilege, will, I trust, not be ascribed to any hostility to those who were interested in that privilege. I have been always ready, and am still ready, to make every sacrifice for the preservation of that privilege which its nature and utility can justify; but I have conscientiously believed that the free navigation of the Mississippi was pregnant with too much mischief to be offered, indirectly, under our construction of the treaty, or directly, as a new equivalent for the liberty of taking and curing fish within the British jurisdiction.

We had three other ways of proceeding:

First. To contend for the indestructibility of the treaty of 1783, thence inferring the continuance of the fishing privilege, without saying any thing about the navigation of the Mississippi, which

would have reserved our right of contesting this navigation on the grounds I have mentioned, specially applicable to it.

Secondly. To have considered the treaty at an end, and offered a reasonable equivalent, wherever it might be found, for the fishing privilege.

Thirdly. To have made this liberty a *sine qua non* of peace, as embraced by the principle of status ante bellum.

To either of these propositions I would have assented, but I could not consent to grant or revive the British right to the navigation of the Mississippi, in order to procure or preserve the fishing liberty.

[DUPLICATE.]

Paris, 11th Feb. 1815.

SIR: In conformity with the intimation contained in my letter of the 25th December, I have now the honor to state to you the reasons which induced me to differ from a majority of my colleagues, on the expediency of offering an article confirming the British right to the navigation of the Mississippi, and the right of the American people to take and cure fish in certain places within the British jurisdiction.

The proposal of such an article appeared to be inconsistent with our reasoning to prove its absolute utility.

According to this reasoning, no new stipulation was any more necessary, on the subject of such an article, than a new stipulation for the recognition of the sovereignty and independence of the United States.

The article proposed appeared, also, to be inconsistent with our instructions, as interpreted by us, which forbid us to suffer *our right to the fisheries* to be brought into discussion; for, it could not be believed that we were left free to stipulate on a subject which we were restrained from discussing, and that an *argument*, and not an *agreement*, was to be avoided.

If our construction was, indeed, correct, it might not, perhaps, be difficult to show that we have not, in fact, completely refrained from the interdicted discussion.

At any rate, the proposal of the article in question was objectionable, inasmuch as it was incompatible with the principles asserted by a majority of the mission, and with the construction which that majority had adopted on that part of our instructions which related to the fisheries. If the majority were correct in these principles and in this construction, it became us to act accordingly. If they were incorrect, still it was unnecessary to add inconsistency to error.

I freely confess, however, that I did not accord with the majority, either in their views of the treaty of 1783, whence they derived their principles, nor of our instructions; and that my great objection to proposing the article, did not arise from an anxiety to reconcile our conduct with our reasoning and declarations.

I could not believe that the independence of the United States was derived from the treaty of 1783; that the recognition of that independence, by Great Britain, gave to this treaty any peculiar character, or that such character, supposing it existed, would necessarily render this treaty absolutely inseparable in its provisions, and make it one entire and indivisible whole, equally imperishable in all its parts, by any change which might occur in the relations between the contracting parties.

The independence of the United States rests upon those fundamental principles set forth and acted on by the American congress, in the declaration of July, 1776, and not on any British *grant* in the treaty of 1783; and its era is dated accordingly.

The treaty of 1783 was merely a *treaty of peace*, and therefore subject to the same rules of construction as all other compacts of this nature.—The recognition of the independence of the United States could not have well given to it a peculiar character, and excepted it from the operation of these rules. Such a recognition, expressed or implied, is always indispensable on the part of every nation with whom we form any treaty whatever. France, in the treaty of alliance, long before the year 1783, not only expressly recognized, but engaged *effectually to maintain* this independence; and yet this treaty, so far from being considered as possessing any mysterious peculiarity, by which its existence was perpetuated, has, even without war, and although a part of it contained words of *perpetuity* and was *unexecuted*, long since terminated.

Had the recognition of our independence by Great Britain given to the treaty of 1783 any peculiar character, which it did not, yet that character could have properly extended to those provisions only which *affected* that independence. All those general rights, for instance, of jurisdiction, which appertained to the United States in their quality as a nation, might, so far as that treaty was declaratory of them, have been embraced by that peculiarity without necessarily extending its influence to mere special *liberties and privileges*, or to provisions *long since executed*, not indispensably connected with national sovereignty, nor necessarily resulting from it.

The liberty to take and cure fish, within the exclusive *jurisdiction of Great Britain*, was certainly not necessary to perfect the *jurisdiction of the United States*. And there is no reason to believe that such a liberty was intended to be raised to an equality with the general right of fishing within the common jurisdiction of all nations, which accrued to us as a member of the great national family.—On the contrary, the distinction between the special liberty and the general right, appears to have been well understood by the American ministers who negotiated the treaty of 1783, and to have been clearly marked by the very import of the terms which they employed. It would evidently have been unwise in them, however ingenious it may be in us, to exalt such a privilege to the rank of a sovereign right, and thereby to have assumed the unnecessary and inconvenient obligation of considering such a liberty to be an indispensable condition of our national existence, and thus rendering that existence as precarious as the liberty itself. They could not have considered a privilege which they expressly made to depend, to a very considerable extent, for its continuance, on mere events and private interests, as partaking of the character and entitled to the duration of the inherent properties of sovereignty. The settlement of the shores might, at any time, have been effected by the policy of the British government, and would have made the assent, of British subjects, under the influence of that policy, necessary to the continuance of a very considerable portion of that privilege. They could not have meant thus to place within the control of a foreign power and its subjects, an *integral part*, as we now affect to consider this privilege, of our national rights.

It is from this view of the subject that I have been constrained to believe that there was nothing in the treaty of 1783 which could essentially distinguish it from ordinary treaties, or rescue it, on account of any peculiarity of character, from the *jura belli*, or from the operation of those events on which the continuance or termination of such treaties depends.

I was, in like manner, compelled to believe, if any such peculiarity belonged to those provisions in that treaty, which had an immediate connection with our independence, that it did not necessarily affect the nature of the whole treaty, nor attach to a privilege, which had no analogy to such provisions, nor any relation to that independence.

I know not, indeed, any treaty, nor any article of a treaty, whatever may have been the subject to which it related, or the terms in which it was expressed, that has survived a war between the parties, without being specially renewed, by reference or recital, in the succeeding treaty of peace, I cannot, indeed, conceive the possibility of such a treaty or of such an article; for however clear and strong the stipulations for perpetuity might be, these stipulations themselves would follow the fate of ordinary unexecuted engagements, and require, after a war, the declared assent of the parties for their revival.

We appear, in fact, not to have an unqualified confidence in our construction of the treaty of 1783, or to have been willing to rest exclusively on its peculiar character our title to any of the rights mentioned in it; and much less our title to the fishing privilege in question.

If hostilities could not affect that treaty, nor abrogate its provisions, why did we permit the boundaries assigned by it to be brought into discussion, or stipulate for a restoration of all places taken from us during the the present war? If such a restitution was secured by the mere operation of the treaty of 1783, why did we discover any solicitude for the *status ante bellum*, and not resist the principle of *uti possidetis* on that ground?

With regard to the fishing privilege, we distinctly stated to you, in our letter of the 25th December last, that, at the time of the treaty of 1783, it was *no new grant*, we having always before that time enjoyed it, and thus endeavored to derive our title to it from *prescription*; a title derived from immemorial usage, antecedent to 1783, could not well owe its origin or its validity, to any compact concluded at that time; and we might, therefore, in this view of the subject, correctly say that this privilege was then no new grant; that is, that our right to the exercise of it was totally independent of such compact. If we were well founded, however, in the assertion of our prescriptive title; it was quite unnecessary for us to attempt to give a kind of charmed existence to the treaty of 1783, and to extend its indefinable influence to every article of which it was composed, merely to preserve that title which we declared to be in no way derived from it, and which had existed, and of course, could exist without it.

It was rather unfortunate, too, for our argument against the severance of the provisions of that treaty, that we should have discovered ourselves, such a radical difference between them, making the fishing privilege to depend on immemorial usage, and, of course, distinct in its nature and its origin, from the rights resulting from our independence.

We indeed throw some obscurity over this sub-

ject, when we declare to you that this privilege was always enjoyed by us before the treaty of 1783; thence inferring that it was not granted by that treaty, and, in the same sentence, and from the same fact, appear also to infer that it was not to be forfeited by war, any more than *any other of the rights of independence*; making it thus one of those rights, and of course, according to our doctrine, dependant on that treaty. There might have been nothing incomprehensible in this mode of reasoning, had the treaty recognized this privilege to be derived from prescription, and confirmed it on that ground. The treaty, however, has not the slightest allusion to the past, in reference to this privilege, but regards it only with a view to the future. The treaty cannot, therefore, be construed as supporting a pre-existing title, but as containing a grant entirely new. If we claim, therefore, under the treaty, we must renounce prescription; and if we claim from prescription, we can derive no aid from the treaty. If the treaty be imperishable in all its parts, the fishing privilege remains unimpaired, without a recurrence to immemorial usage; and if our title to it be well founded on immemorial usage, the treaty may perish without affecting it. To have endeavored to support it on both grounds, implies that we had not entire confidence in either, and to have proposed a new article, indicates a distrust of both.

It is not, as I conceive, difficult to shew that we can, indeed, derive no better title to this fishing privilege from prescription, than from any indistinguishable quality of the treaty of 1783.

Prescription appears to be inapplicable to the parties, and to the subject, and to be defective both in fact and effect.

As to the parties:—the immemorial enjoyment of a privilege, within British jurisdiction, by British subjects, the inhabitants of British colonies, could not well be considered as evidence of a title to that privilege, claimed by citizens of an independent republic residing within the exclusive jurisdiction of that republic. The people of the United States, as such, could have claimed no special privilege within the dominions of any foreign power, from immemorial usage, in 1783, when the longest duration of their own existence in that quality was little more, at the utmost, than the brief period of seven years, which is surely not beyond the memory of man, (*ultra memoriam hominis.*) The people of the United States had never, in fact, during that period, enjoyed the fishing privilege a moment, being effectually prevented therefrom by the existing state of hostilities. Nor could the inhabitants of the colonies, originally constituting the United States, even in their colonial condition, acquire against their sovereign any right from long usage, or the mere lapse of time, (*nullum tempus regi occurrit.*) The British sovereign was always competent to regulate or to restrain them in their commerce and intercourse with each other, whenever and however he might think proper. And had he forbid his subjects in the province of Massachusetts bay, to fish, and to dry and cure fish, in the bays, harbors, and creeks of Labrador, (which, by the way, had *not immemorably belonged to him*;) it is not to be imagined that they would have conceived themselves discharged from the obligation of submitting, on account of any pretended right from immemorial usage.

The fishing privilege, therefore, enjoyed by British subjects, within British jurisdiction, could give no permanent and independent right to those subjects themselves, and, *a fortiori*, no such right

to the citizens of the United States, claiming under a *different estate*, and in a different capacity.—Great Britain might, indeed, as well prescribe for the prerogatives of her sovereignty over us, as we for any of the privileges which we enjoyed as her subjects.

I do not think it necessary to inquire how far the practice of the people of Massachusetts, was the practice of the people of the whole original thirteen United States, or of the United States now including Louisiana; or how far the immemorial usage of the people of Boston can establish a prescriptive right in the people of New Orleans. I trust I have said enough to shew that prescription is *inapplicable to the parties*.

It is, also, I conceive, inapplicable to the subject. Had the United States, as an independent nation, enjoyed, from time immemorial, the fishing privilege in question, still, from the nature of this privilege, no prescriptive right would have thence been established. A right to fish, or to trade, or to do any other thing, within the exclusive jurisdiction of a foreign state, is a *simple power*, a right of mere ability, (*jus mere facultatis,*) depending on the will of such a state, and consequently *imprescriptible*.* An independent right can be derived only from treaty.

I conceive, therefore, that a claim to the fishing privilege, from immemorial usage, is not only unsupported by the *fact*, but cannot, in *effect*, result from such usage.

I have, in this view of the subject, been led to conclude that the treaty of 1783, in relation to the fishing liberty, is abrogated by the war, and that this liberty is totally destitute of support from prescription, and, consequently, that we are left without any title to it whatsoever. For, I cannot prevail upon myself to seek for such a title in the relative situation of the parties, at the time of negotiating the treaty of 1783, and contend, according to the insinuation contained in our letter to you of the 25th of December last, that the jurisdiction of Great Britain, over the colonies assigned to her, in America, was a grant of the United States, and that the United States, in making this grant, *reserved to themselves* the privilege in question. Such a pretension, however lofty, is so inconsistent with the real circumstances of the case, any* with any sober construction which can be given to that treaty, that I shall, I trust, be excused from seriously examining its validity.

Having thus stated some of the reasons which induced me to differ in opinion from a majority of my colleagues, relative to the character of the treaty of 1783, as well as with regard to every other foundation on which they were disposed inconsistently to rest our title to the fishing privilege, I shall now proceed to explain the reasons which influenced me to dissent from them in the interpretation of our instructions relative to that privilege.

These instructions forbid us to permit our *rights to the trade* beyond the *Cape of Good Hope*, to the fisheries, and to Louisiana, to be brought into discussion. I conceived that this prohibition extended to the general rights only, which affected our sovereignty and resulted from it, and not the special liberties and privileges, which had no relation

* In Mr. Russell's letter (the duplicate) occur a few errors, (marked thus*) which may appear to the reader to be typographical. In justice to our compositors, it may be proper to state, that it has been thought proper to follow our copy literally.

to that sovereignty, either as to its nature or extent.

The right relative to the trade beyond the Cape of Good Hope, was the right which belonged to us as an independent nation, and not to the permission of trading to those parts of the East Indies which were within the exclusive jurisdiction of Great Britain. In like manner, the right to the fisheries, contemplated by our instructions, was, I conceive, the right to use the open sea for fishing as well as for navigation, and not the liberty to fish, and to cure fish, within the territorial limits of any foreign state. The right to Louisiana, which, by those instructions, were not to be brought into discussion, was the right to the empire and domain of that region, and not the right of excluding Great Britain from the free navigation of the Mississippi.

How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but, certainly, the majority believed themselves to be permitted, their own construction to the contrary notwithstanding, to offer a very explicit proposition, with regard to the navigation of its principal river; now, this offer is considered, for the reasons just suggested, not to be a violation of the instructions in question, but I considered it to be against both the letter and the spirit of our other instructions of the 15th of April, 1813. By these instructions we were explicitly and implicitly directed "to avoid any stipulation which might restrain the United States from *excluding* the British traders from the navigation of the lakes and rivers, *exclusively within our own jurisdiction.*" This instruction applied with greater force to the Mississippi, because, as it is believed, it was the *only river* to which it could apply.

While I believed, therefore, that we were permitted to offer a proposition relative to the fishing liberty; and that, in treating concerning this liberty, or in discussing our claim to it, we in no way violated our instructions, nor affected the general rights which we were forbidden to bring into discussion; I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer, or to renew a stipulation for the free navigation, by the British, of the Mississippi, a river within our exclusive jurisdiction.

Considering, therefore, the fishing liberty to be entirely at an end, without a new stipulation for its revival; and believing that we were entirely free to discuss the terms and conditions of such a stipulation, I did not object to the article proposed by us because any article on the subject was unnecessary, or contrary to our instructions, but I objected specially to that article, because, by conceding in it, to Great Britain, the free navigation of the Mississippi, we not only directly violated our instructions, but we offered, in my estimation, a price *much above its value*, and which could not *justly* be given.

In no view of the subject, could I discover any analogy or relation between the two objects; and the only reason for connecting them, and making them mutual equivalents for each other, appeared to be, because they were both found in the treaty of 1783. If that treaty was abrogated by the war, as I consider it to have been, any connection between its parts must have ceased, and the liberty of navigating the Mississippi, by British subjects, must, at least, be completely at an end, for it will not, I trust, be attempted to continue it by a *prescriptive* title, or to consider it as a *reservation* made

by the United States from any grant of sovereignty, which, at the treaty of peace, they accorded to Great Britain. If, indeed, it were such a reservation, it must have been intended for *our benefit*, and of course, no equivalent for the fishing privilege, likewise for our benefit. If it is considered as a reservation made by Great Britain, it will reverse all the facts assumed by us in relation to that privilege.

The *third* article of the treaty of 1783, respecting the fisheries, and the *eighth* of that treaty, respecting the Mississippi, had not the slightest reference to each other, and were placed as remote, the one from the other, as the limits of that treaty could well admit; whatever, therefore, might have been the cause of inserting the fishing liberty, whether it was a voluntary and gratuitous grant on the part of Great Britain, or extorted from her as a condition, on which the peace depended, it could have had no relation with the free navigation of the Mississippi; besides, the article relative to this river must, from the evident views of the parties at the time, from their relations to each other, and from their known relations to a third power, have been considered of mutual and equal advantage, and furnished no subject for compensation or adjustment in any other provision of that treaty.

Both parties believed that this river touched the territories of both, and that of course both had a right to its navigation. As Spain possessed both banks of this river to a considerable distance from its mouth, and one of its banks nearly throughout its whole extent, both parties had an interest in uniting to prevent that power from obstructing its navigation. Had not the article been intended to engage the parties in relation to Spain, they probably would have limited it to the navigation of the river, so far as their own territories extended on it, and not have stipulated for its navigation to the ocean, which necessarily carried it through the exclusive territories of Spain. If the circumstances had been, in fact, such as the parties at the time believed them to be, and with a view to which they acted, or had these circumstances subsequently experienced no radical change, Great Britain would have gained now, no more than she would have granted by the renewal of the article in relation to the navigation of the Mississippi, and would not, any more than in 1783, have acknowledged any equivalent to be conferred by it, for our liberty relative to the fisheries. The circumstances, however, assumed by the parties at the time, in relation to Great Britain, and from which her rights were deduced, have not only, in part, been since discovered not to have existed, but those which did exist have been entirely changed by subsequent events.

It has been clearly ascertained that the territories assigned to Great Britain, no where, in fact, reached the Mississippi; and the acquisition of Louisiana, by the United States, had forever removed the Spanish jurisdiction from that river. The whole consideration, therefore, on the part of Great Britain, whether derived from her territorial rights, or from her part of the reciprocal obligations, relative to Spain, having entirely failed, our engagements, entered into on account of that consideration, may be fairly construed to have terminated with it.

In this view of the subject, Great Britain could have no title to the navigation of the Mississippi, even if a war had not taken place between the parties. To renew, therefore, the claims of Great Britain, under that article, subject to this construction

tion, would be granting her nothing; and, to renew that article, independent of this construction, and without any reference to the circumstances that attended its origin in 1783, or to the events which have since occurred in relation to it, would be granting her advantages not only entirely *unilateral*, as relates to the article itself, but, as I believed, of much greater importance than any which we could derive from the liberty relative to the fisheries.

If the article which we offered was merely intended to rescue the third and eighth articles of the treaty of 1783, from the operation of the present war, and to continue them precisely as they were immediately prior to this war, the third article being then in full force, and the eighth article being no longer operative, we should have attempted to exchange, like general Drummond, the dead for the living. It is not surprising, therefore, that the British government, in suspecting such an intention, should have rejected our proposition.

I was opposed, however, to making the proposition, not only because I was convinced that it was made with no such intention, but because I believed it would give to Great Britain the free navigation of the Mississippi under circumstances, and evidently for an object, which would place it on very distinct grounds from those on which it was placed by the treaty of 1783.

The whole of the Mississippi being now exclusively within the acknowledged jurisdiction of the United States, a simple renewal of the British right to navigate it would place that right beyond the reach of the war; and every other previous circumstance which might have impaired or terminated it, and the right to grant, on our part, being now complete, the right to enjoy, on the part of Great Britain, must be complete also. It would be absurd to suppose that any thing impossible was intended, and that Great Britain was to be allowed to navigate the Mississippi, only as she would have navigated it immediately after the treaty of 1783, as if her territories extended to it, and as if Spain was in the entire possession of one of its banks, and of a considerable portion of the other.

The recognition of the British right to navigate the Mississippi, would be, *under existing circumstances*, a new and complete grant to her, measured by these circumstances, and, thence, embracing not only the entire freedom of the whole extent of the river and its tributary waters, but unrestrained access to it across our territories. If we did not intend to offer this, we intended to offer *nothing* which Great Britain could accept; and whatever else we might have intended to offer, if not at once rejected by her, would at least have been, hereafter, the subject of new and endless controversy.

When, however, we connected the revival of the navigation of the Mississippi with the revival of the privilege of taking and curing fish within the British jurisdiction, two things which never before had any relation to each other, we evidently meant, if we acted with good faith, not only to concede, as well as to obtain something, but also to be understood as conceding an equivalent for what we obtained.

In thus offering the navigation of the Mississippi, and the access to it through our territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that on which they respectively stood in the treaty of 1783, and acted somewhat inconsistently with our own reasoning, relative to the origin and immortality of the latter, but we offered to concede *much more* than we could hope to gain by the arrangement.

From the year 1783, to the commencement of the present war, the actual advantages derived from the fishing privilege by the people of the United States, were, according to the best information that we could obtain on the subject, very inconsiderable, and annually experiencing a voluntary diminution.

It was discovered that the obscurity and humidity of the atmosphere, owing to almost incessant fogs in the high northern latitudes, where this privilege was chiefly located, prevented the effectual curing of fish in those regions, and, consequently, lessened very much the value of the privilege of taking them there. By far the greatest part of the fish taken by our fishermen, before the present war, was taken in the open sea, or on our own coast, and cured on our shores. This branch of the fisheries has been found to be inexhaustible, and has been pursued with so much more certainty and despatch, than the privileged portion within British jurisdiction, that it has not only been generally preferred by our fishermen, but would, probably, on longer experience, have been almost universally used by them. It was to be believed, therefore, that a discontinuance of the privilege of taking and curing fish within the British jurisdiction, would not at all diminish the aggregate quantity taken by the people of the United States, or vary materially the details of the business.

That part of the fisheries which would still belong to us a nation, being exhaustless, would afford an ample field for all the capital and industry hitherto employed in the general business of fishing, or merchandise of fish; and on that field might the few fishermen, who had hitherto used the liberty of taking and curing fish within the jurisdiction of Great Britain, exert their skill and labor without any serious inconvenience.

That liberty, liable, to a very considerable degree, by the terms in which it was granted, to be curtailed by the government and subjects of a foreign state, already growing into voluntary disuse by our own citizens, on account of the difficulties inseparable from it, and absolutely incapable of extension, was totally unnecessary to us for subsistence or occupation, and afforded, in no honest way, either commercial facility or political advantage. This privilege, too, while it was thus of little and precarious utility to us, cost Great Britain literally *nothing*.

The free navigation of the Mississippi, with the necessary access to it, is a grant of a very different character. If it was not, heretofore, used by Great Britain, it was, perhaps, because she did not consider herself entitled to it, or because the circumstances of the moment suspended its practical utility. The treaty of 1783 stipulated for her the navigation of this river, under the presumption that her territories extended to it, and, of course, could not intend to give her access to it through our territories. The British possessions to the westward of lake Erie being almost entirely unsettled, rendered, perhaps, the free navigation of the Mississippi, for the moment, of little advantage to her, particularly as her right to reach it was, at least, equivocal, and, as by another treaty, she could carry on trade with our Indians. This navigation might, indeed, for a long time to come, be of little use to her for all the *legitimate* purposes of transit and intercourse, but every change that could take place in this respect must increase its importance to her, while every change in the fishing liberty must be to the disadvantage of the United States.

The freedom of navigating the Mississippi, however, is not to be estimated by the mere legitimate uses that would be made of it. The unrestrained and undefined access which would have been inferred from the article which we proposed, must have placed in the hands of G. Britain and her subjects all the facilities of communication with our own citizens and with the Indians inhabiting the immense regions of our western territory. It is not in the nature of things that these facilities should not have been abused for unrighteous purposes. A vast field for contraband and for intrigue would have been laid open, and our western territories would have swarmed with British smugglers and British emissaries. The revenue would have been defrauded by the illicit introduction of English merchandise, and the lives of our citizens, and the security of a valuable portion of our country, would have been exposed to Indian hostility, excited by an uncontrolled British influence.

If our instructions of the 15th April, 1813, already cited, forbid us, in order to guard against such an influence, to renew the treaty of 1794, "allowing the North West Company and British traders to carry on trade with the Indian tribes within our limits, a privilege the pernicious effects of which have been most sensibly felt in the present war," we certainly violated the spirit of those instructions in offering the means of exercising that influence with still greater facility and effect than would result from that privilege.

What was there in the fishing liberty, either of gain to us or loss to Great Britain, to warrant, in consideration of it, a grant to her of such means of fraud and annoyance? What justice or equality was there in exposing to all the horrors of savage warfare the unoffending citizens of an immense tract of territory, not at all, or but faintly, benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, annually decreasing in number, in a remote quarter, and entirely exempt from the danger? Such have been the reasons which induced me to differ from a majority of my colleagues, with regard to the article in question, and which, I trust, will be deemed sufficient, at least, to vindicate my motives.

The unfeigned respect which I feel for the integrity, talents, and judgment of those gentlemen, would restrain me from opposing them on slight grounds, and a deference for their opinions makes me almost fear that I have erred in dissenting from them on the present occasion. I can but rejoice, however, that the article, as proposed by us, was rejected by Great Britain, whatever were her reasons for rejecting it; whether, as above suggested, she might have suspected some tacit reservation, or want of faith, on our part, or supposed, from the price we at once bid for the fishing privilege, that we overrated its value, and might concede for it even more than the free navigation of the Mississippi, with all its accessory advantages.

Let me not, in any thing which I have said, be misunderstood. In judging on the interests of the great whole, I am not disposed to undervalue the interests on each of the constituent parts. No one can more highly appreciate than I do a branch of industry which not only adds to national wealth, but seems to create it. Nor can any one more warmly admire the usefulness and patriotism of those citizens who are engaged in it, and who have never ceased to deserve well of the republic.

In times of peace they bring home, amidst conflicting elements, the treasures of the deep to enrich their country; and in times of war they contribute, by their skill and intrepidity, to her defence and glory. But, in our country, where all are equal, the essential security and prosperity of the many must be preferred to the convenience and minor interests of the few. In giving this preference, I will frankly confess I had to silence early prepossessions* and local predilections, and to listen to the councils of a more enlarged patriotism; and to this patriotism I dare appeal for my vindication, not only with those to whom I am officially responsible but with those with whom I am more immediately connected in society, and whose interests may be considered to have been unfavorably affected by the views which I have deemed it to be my duty to adopt. I have always been willing to make any sacrifice for the fishing privilege which its nature or comparative importance could justify; but I conscientiously believe that the free navigation of the Mississippi, and the access to it which we expressly offered, were pregnant with too much mischief to be offered, indirectly, under our construction of the treaty; or, directly, as they were in fact offered, as a new equivalent for the liberty of taking and drying fish within the British jurisdiction.

I will frankly avow, however, that my impressions were, and still are, that Great Britain, calculating on the success of the powerful expedition which she has sent against New Orleans, confidently expected that she would have become the mistress of Louisiana and all its waters; and that she did not, in this event, intend to abandon her conquest under the terms of the treaty of Ghent.

Her ministers had, almost from the commencement of the negotiation, not only affected to consider our acquisition of Louisiana as evidence of a spirit of aggrandizement, but insinuated a defect in our title to it. Expecting, therefore, to obtain the free navigation of the Mississippi for nothing, she would not consent to part even with the fishing liberty as an equivalent. If she be disappointed in her views on Louisiana, and I trust in God and the valor of the west that she will be, I shall not be surprised if, hereafter, she grants us the fishing privilege, which costs her absolutely nothing, without any extravagant equivalent whatever.

At any rate, we are still at liberty to negotiate for that privilege in a treaty of commerce, and to offer for it an equivalent, fair in its comparative value, and just in its relative effects; and to negotiate for it in this way is evidently more wise than to demand it as a condition of peace, or to offer for it a price beyond its worth, and which, however excessive, runs the hazard of being refused, merely by the operation of those unaccommodating passions which are inevitably engendered by a state of war.

I have the honor to be, with the most profound respect, sir, your faithful and obedient servant,
JONATHAN RUSSELL.

Hon. JAMES MONROE,
Secretary of state of the United States.

A true copy of a paper left by Jonathan Russell, esq. at the department of state, 22d April, 1822, to be communicated to the house of representatives of the United States.

J. Q. ADAMS,
Secretary of state.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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The editorial and miscellaneous matter is thrown back to page 220, to prevent a break in the "Diplomatic controversy."

Remarks, by the secretary of state, on a paper delivered by Mr. Jonathan Russell at the department of state, on the 22d of April, 1822,

To be communicated to the house of representatives, as the duplicate of a letter written by him at Paris, the 11th of February, 1815, to the then secretary of state, and as the letter called for by the resolution of the house of 19th of April, 1822.

The first remark that presents itself upon this duplicate, is, that it is not a copy of a letter really written by Mr. Russell, at Paris, on the 11th of February, 1815, to the secretary of state, and received by him. The letter was marked "private," and, as such, was not upon the files of the department of state; and, although of the same general purport and tenor with the so called duplicate, differed from it in several highly significant passages, of which the following parallels, extracted from the two papers, presents one example:

ORIGINAL.

"How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves permitted to offer a very explicit proposition with regard to the navigation of its principal river. *I believed with them, that we were so permitted, and that we were, likewise, permitted to offer a proposition relative to the fishing liberty, and, had the occasion required it, to make proposals concerning the trade to the British East Indies. I was persuaded, that treating relative to these privileges, or discussing the obligation or expediency of granting or withholding them, respectively, violated, in no way, our instructions, or affected the general rights which we were forbidden to bring into discussion.*"

Duplicate.

"How far we conformed to this instruction, with regard to the general right to Louisiana, it is not necessary for me here to inquire; but certainly the majority believed themselves to be permitted, their own construction to the contrary notwithstanding, to offer a very explicit proposition with regard to the navigation of its principal river. Now, this offer I considered, for the reasons just suggested, not to be a violation of the instructions in question, but I considered it to be against both the letter and the spirit of our other instructions of the 15th of April, 1813. By these instructions, we were explicitly and implicitly directed to avoid any stipulation which might restrain the U. States from excluding the British traders from the navigation of the lakes and rivers, exclusively within our own jurisdiction." This instruction applied with the greater force to the Mississippi, because, as it is believed, it was the only river to which it could apply.

"While I believed, therefore, that we were

ORIGINAL.

permitted to offer a proposition relative to the fishing liberty, and that in treating concerning this liberty, or in discussing our claim to it, we in no way violated our instructions, nor affected the general rights which we were forbidden to bring into discussion, I did believe, and do still believe, that we were expressly and unequivocally forbidden to offer, or to renew, a stipulation for the free navigation, by the British, of the Mississippi, a river within our exclusive jurisdiction."

It is here seen that, while in the original letter Mr. Russell did, with the majority of his colleagues, believe that we were permitted by our instructions to make the proposition with regard to the navigation of the Mississippi, as well as the proposition relative to the fishing liberty, he had, when writing the duplicate, brought himself to the belief, not only that we were not so permitted, but that he had, even at Ghent, considered it as a direct violation both of the letter and spirit of our explicit and implicit instructions of 15th April, 1813. The solution of this difference in the mind of Mr. Russell, between the writing of the original and the duplicate of his letter, may be found in this circumstance: The proposition relating to the navigation of the Mississippi, and the fishery, was made to the British plenipotentiaries on the 1st of December, 1814. It had been discussed at the meetings of the American mission, on the preceding 28th and 29th of November. On the 24th of that month, the American plenipotentiaries had received a letter of instructions from the secretary of state, dated 19th October, 1814, and containing the following passages:

"It has been judged proper to communicate to congress so much of the instructions given to you by this department, as would show the terms on which you were authorized to make peace.—These, as well as your communications, have been printed, and several copies are now forwarded to you, as it is believed they may be usefully disposed of in Europe. Should any circumstance have unexpectedly prolonged the negotiation, and you find the British commissioners disposed to agree to the *status ante bellum*, you will understand that you are authorized to make it the basis of a treaty."

Now, the *status ante bellum*, upon which we were thus expressly and unequivocally permitted to conclude a treaty, included not only the recognition of the entire treaty of peace of 1783, but the revival of the first ten articles of the treaty of 1794; not only the freedom to the British to navigate the Mississippi, but free ingress into our territories, and free trade with our Indians. And so entirely

was that part of the instructions of 15th April, 1813, now cited by Mr. Russell, considered by the president as cancelled, that it was omitted from that copy, which had been communicated to congress, of "so much of the instructions as would show the terms on which we were authorized to make peace," and of which several printed copies were thus forwarded to us. (*See Waite's State Papers*, vol. 9, p. 339—358.)

It was scarcely possible that, within the compass of one week, Mr. Russell should have forgotten the receipt of the instructions of 19th October, 1814, fresh from Washington; nor at all possible that he should have considered us as then bound by the instruction of 15th April, 1813, to which, in his duplicate, he now so emphatically refers. The 11th of February, 1815, was yet so recent to the date of the conclusion of the treaty, that, in writing the original of his letter, the recollection of the new instructions of October, 1814, had doubtless not escaped him. But when the duplicate was written, other views had arisen; and their aspects are discovered in the aggravation of charges against the memory of a dead, and the character of living colleagues.

But whether the real sentiments of Mr. Russell at Paris on the 11th of February, 1815, with regard to the transactions to which this passage relates, are to be taken as indicated in the original, or in the duplicate, certain it is that the vehement objections to the proposed article, which, in the *duplicate*, appear to have made so deep an impression on his mind, had as little been made known to his colleagues at the time of the discussions at Ghent, as they appear to have been to himself when writing the *original* of the same letter.

The proposal to which the whole of Mr. Russell's letter, in both its various readings, relates, was made to the British plenipotentiaries, not by a majority, but by the whole of the American mission, including Mr. Russell, as may be seen by the protocol of the conference of the 1st December, 1814, and by the letter from the American to the British plenipotentiaries, of 14th December, 1814. In that letter, already communicated to the house, the American plenipotentiaries, referring to the article in question, expressly say: "To such an article, which they viewed as merely declaratory, the undersigned had no objection, and have offered to accede;" and to that letter the name of Mr. Russell is subscribed.

At the time when the letter from Paris was written, or within a few days thereafter, all the colleagues, whose conduct it so severely censures, in relation to measures to which Mr. Russell's sanction and signature stood equally pledged with their own, were at Paris, and in habits of almost daily intercourse with him. They little suspected the coloring which he was privately giving, without communication of it to them, of their conduct and opinions, to the heads of the government, by whom he and they had been jointly employed in a public trust of transcendent importance; or the uses to which this denunciation of them was afterwards to be turned.

Had the existence of this letter from Paris been, at the time when it was written, known to the majority of the mission, at whose proposal this offer had been made; to that majority who believed that the article was perfectly compatible with their instructions, consistent with the argument maintained by the mission, important for securing a very essential portion of the right to the fisheries, and in no wise affecting unfavorably the interest of any

section of the union, they would doubtless have felt that its contents called much more forcibly upon them to justify to their own government themselves, and their motives for making that proposal, than Mr. Russell could be called upon to justify himself for merely having been in the minority upon the question whether an article should be proposed, which he did actually concur in proposing, and which the adverse party had not thought worth accepting.

The writer of these remarks is not authorized to speak for his colleagues of the majority; one of whom is now alike beyond the reach of censure and panegyric; and the other, well able, when he shall meet this disclosure, to defend himself. But he believes of them what he affirms of himself, that, had they entertained of the projected article, and of the argument maintained by the mission, the sentiments avowed in either of the variations of Mr. Russell's letter from Paris, no consideration would have induced them to concur in proposing it, or to subscribe their names to a paper declaring that they had no objection to it.

Still less, if possible, would they have thought it reconcilable with their duty to their country, had they entertained those sentiments, to have subscribed, on the 25th of December, 1814, the joint letter of the mission to the secretary of state, already communicated to congress, and on the same day to have written the separate and secret letter, fore-announcing that of 11th of February, 1815, from Paris.

Besides the memorable variation between the original and duplicate of the letter of 11th of February, 1815, which has been exhibited in parallel passages extracted from them, there are others not less remarkable. In the course of the *duplicate*, the total and unqualified abandonment of the *rights* of the poor fishermen is compensated by an eloquent panegyric upon their usefulness to the country, their hardy industry, their magnanimous enterprize, and their patriotic self-devotion. Little of this appears in the original; and that little in the after-thought of a postscript. Towards the close of the *duplicate*, the spirit of prophecy takes possession of the writer. By his "trust in God, and in the valor of the west," he foresees the victory of general Jackson at New Orleans. He foresees the convention between the United States and Great Britain, of October, 1818. In the *original* there is no prophecy—no "trust in God, and in the valor of the west."

With all these varieties, the two copies of the letter form an elaborate and deeply meditated dissertation to prove:

1. That the treaty between the United States and Great Britain, of 1783, the treaty which upon its face is a treaty of independence, a treaty of boundaries, a treaty of partition, as well as a treaty of peace—was, in his estimation, all his signatures at Ghent to the contrary notwithstanding, a mere treaty of peace, totally abrogated by the war of 1812.
2. That the same treaty was a treaty *sui generis*, consisting of two parts: one of rights appertaining to sovereignty and independence; and the other, of special grants and privileges; of which the former were permanent, and the latter abrogated by the war.
3. That the principles assumed, and the argument maintained, by the majority of the Ghent mission, and to which he had subscribed his name in all the joint communications of the mission, as well to the British plenipotentiaries as to his

own government, were a mass of errors, inconsistencies, and absurdities.

4. That the offer to the British plenipotentiaries of a right to the British to navigate the Mississippi, was, in the opinion of the majority, and also in his own opinion, permitted by our instructions, and in no ways violated them.
5. That the same offer was directly contrary to the construction given by the majority to their instructions, and, as he had always thought, and still thought, contrary to explicit and implicit, express and unqualified prohibitions, in those instructions.
6. That the offer of the right to navigate the Mississippi, as an equivalent for the fisheries, was the offer of an excessive price for a privilege worth little or nothing.
7. That, extravagant as that offer (to which he signed a letter declaring that he had no objection) was, it was rejected by the adverse party; because they thought it an offer of the dead for the living; or because they hoped to get still more for the worthless privilege; or because they expected to take and keep Louisiana, and thus get the navigation of the Mississippi for nothing; or because they were blinded by the unhappy passions incident to war; but that he *foresaw* that they would *never* grant all the valuable part of the same worthless privilege for nothing.
8. That there was no sort of relation whatsoever between a privilege for the British to navigate in waters within our jurisdiction, and a privilege for us to fish in waters within British jurisdiction; because one of these privileges had been stipulated in the *third*, and the other in the *eighth* article of the treaty of 1783; and, therefore, that it was absurd to offer one as an equivalent for the other.
9. Lastly, that the offer to the British of the right to navigate the Mississippi, was pregnant with mischief to the western country—to "*the unfavourable citizens of an immense tract of territory, not at all, or but faintly benefited by the fishing privilege, merely to provide for the doubtful accommodation of a few fishermen, annually decreasing in number, in a remote quarter, and entirely exempt from the danger.*"

Upon most of these points, so far as argument is concerned, it might, upon the mere state of Mr. Russell's positions, be left to his ingenuity to refute itself. His first and second points, with regard to the character of the treaty of 1783, considered as doctrines, are evidently inconsistent with each other. The variation between the original and duplicate of his letter upon the fourth and fifth points, is something more than inconsistency; something more even than self contradiction. The whole letter is a laborious tissue of misrepresentation of every part of its subjects; of the conduct and sentiments of his colleagues who constituted the majority of the mission; and of his own conduct and sentiments in opposition to them. It substantially charges them with deliberate and wanton violation, in the face of his solemn warnings, of the positive and unequivocal instructions of their government, for the sake of sacrificing the interest, the peace, the comfortable existence of the whole western country, to the doubtful accommodation of a few eastern fishermen, and in support of a claim to which they had not the shadow of a right.

I say it is a tissue of misrepresentations—of the subject, of the conduct and sentiments of his col-

leagues, and of his own conduct in opposition to them.

1. Of the subject. Mr. Russell represents the offer of an article, granting to the British the right of navigating the Mississippi as an equivalent for the grant of a fishing privilege in British jurisdiction, as if it had been a separate and insulated proposal of new grants, in a distinct article, without reference to the state of the negotiation at the time when it was made, to the occasion upon which it was made, and to the considerations by which it was induced.

Mr. Russell represents the article as if offered under circumstances, when it was by both parties acknowledged that the British had no claim to territory, *to the Mississippi*. This is a direct and positive perversion of the whole statement of the subject.

Mr. Russell represents the offer of a right to navigate the Mississippi, and of access to it from the British territories, as general and unqualified; as giving access to British traders and British emissaries to every part of the western country, and to intercourse with all our Indians. The proposal was, of a limited access from a single spot of the British territory to the river, for the purpose of navigating the river with merchandise, upon which the duties of import should have been first paid.

In consequence of these misrepresentations, Mr. Russell brings in British smugglers, British emissaries, and all the horrors of Indian warfare, upon the western country, as necessary inferences from a proposal, not that which was made, but that into which it is distorted by his misrepresentations.

2. Of the conduct and sentiments of his colleagues.

Mr. Russell represents his colleagues as having deliberately, and against his declared opinion, violated both the letter and the spirit of their most explicit and implicit, express and unequivocal, instructions from their own government. He charges them, also, with having violated their own construction of their instructions.

It is true, that, in another reading of the same letter, purporting to have been written on the same day, he acquits them entirely of all violation of their instructions, and declares he had always been of that opinion.

Mr. Russell ascribes to his colleagues opinions which they never entertained, arguments which they never advanced, and doctrines which they not only would disclaim with indignation, but diametrically opposite to those which they did maintain. He imputes to them the opinion that the independence of the United States was derived only from the treaty of peace of 1783, and that all the rights stipulated by it, in favor of the people of the United States, were mere *grants* from the crown of England. This was the British doctrine, which Mr. Russell well knew his colleagues rejected with disdain, but which he himself countenances by maintaining the British side of the argument, that the fishing liberty, stipulated in the treaty of 1783, was abrogated *ipso facto* by the war of 1812.

He imputes to them, as an inconsistency with their other imputed opinion, that they rested their claim to the fishing privilege upon *prescription*; and this, notwithstanding all the light of learning with which he had irradiated them, from the lucid sources of "*jus mere facultatis*," of "*ultra memoriam hominis*," of "*antiquum tempus occurrit regi*," and of the imprescriptible character of fisheries. Of all this not one word was said at Ghent. The majority never asserted the right of the fishing privi-

lege, as resting upon the right of prescription; nor had they ever the benefit of Mr. Russell's learned labors to prove that it was not applicable to the subject.

3. Of his own conduct and sentiments, in opposition to those of the majority of his colleagues.

The parallel passages from the original and duplicate of his letter remove all necessity for further proof of this. But that is not all. Throughout the letter, Mr. Russell holds himself forth as having been the intrepid and inflexible assertor and supporter of the rights of the west, against the majority of his colleagues; as having, by a painful struggle, obtained a conquest over his early prejudices and local partialities, and enlarged his intellectual faculties and patriotism, to become the champion and vindicator of the interests of the west. Of all this, nothing was made known to his colleagues of the majority at Ghent. The article to which his letter conjures up such formidable objections, was drawn up and proposed to the mission by a distinguished citizen of the western country. It was opposed by another citizen from the same section of the union. Of the five members of the mission, Mr. Russell was the person who took the least part in the discussion. He neither objected that it was contrary to our instructions, nor depreciated the value of the fisheries; nor painted the dangers of British smugglers and emissaries, or the horrors of Indian warfare, as impending over the *unoffending* inhabitants of the western country from the measure. He gave, it may be, a silent vote against proposing the article; and, when it was determined by the majority to propose it, concurred in proposing it; was present at the conferences with the British plenipotentiaries when it was proposed to, and discussed with them, and heard from them the reasons which induced them to reject it, which reasons did not embrace one of those which he has so severely tasked his sagacity to devise for them; but, plainly and simply, because they said it was clogged with conditions which made it of no value to them, or, at least, not of value to induce them to concede that our fishing liberties, within British jurisdiction, should continue, in return; and he afterwards signed a letter to the British plenipotentiaries, together with all the other members of the mission, declaring that they had no *objection* to the article, considering it as merely declaratory.

If Mr. Russell had entertained at Ghent the sentiments relating to this measure, disclosed in the duplicate, or even those avowed in the original of his letter, he is to account for it to his conscience and his country, that he ever assented to it at all. He was not under the slightest obligation to assent to it. As an act of the majority, it would have been equally valid without his concurrence or signature as with it. More than one member of the mission, and on more than one occasion, signified his determination to decline signing the treaty, if particular measures, proposed by the British plenipotentiaries, should be acceded to by the majority. A refusal by any one member to concur in any measure upon which a majority were agreed, would at least have induced the majority to re-consider their vote, and in all probability to have cancelled it. In a case of such transcendent importance as this, of high interest, generous policy, humane and tender sympathies, wantonly to be sacrificed, in defiance of the most express and unqualified instructions, to the paltry purpose of accommodating a few fishermen, destitute of all claim of right, how could Mr. Russell sit patiently in conference with the British plenipotentiaries, and join in the offer of it to them?

How could he subscribe his name to a letter declaring he had no objection to it? Had Mr. Russell dissented from this measure of the majority, and they had still persisted in it, he would doubtless have reported to his own government the reasons of his dissent; his colleagues of the majority would, in like manner, have reported theirs; and the responsibility of each party would have rested, as it ought, upon their respective acts. To concur individually in the measure; to sign all the papers approving it; and then secretly to write to the government a letter of censure, reproach, and misrepresentation against it and those who proposed it—was, indeed, a shorter and easier process.

Mr. Russell, therefore, did not entertain or express at Ghent the opinions disclosed in his letter from Paris, and has been as unfortunate in the representation of his own conduct and sentiments, as in that of the subject of his letter, and in that of the sentiments and conduct of his colleagues.

But there is a point of view, more important than any regard to his conduct and sentiments, in which his letter is yet to be considered. If there were any force in his argument against the measure, or any correctness in his statements against his colleagues, it is proper they should be sifted and examined.

Let us, therefore, examine the proposed article in both its parts: first, as it relates to the fishing liberty for us; and secondly to the navigation of the Mississippi by the British. And in order to ascertain the propriety of the principles assumed, and of the measures adopted by the American commissioners, as now in question, let us premise the state of things as they existed, and the circumstances under which this proposal was offered.

By the third article of the treaty of 1783, it was agreed that the people of the United States should *continue* to enjoy the fisheries of Newfoundland and the bay of St. Lawrence, and that all other places in the sea, where the inhabitants of both countries *used at any time heretofore to fish*; and, also, that they should have certain fishing liberties, on all the fishing coast within the British jurisdiction of Nova Scotia, Magdalen Islands, and Labrador. The title by which the United States held those fishing rights and liberties was the same. It was the possessory use of the right, or, in Mr. Russell's more learned phrase, of the "*jus mere facultatis*," at any time theretofore as British subjects, and the acknowledgment by Great Britain of its *continuance* in the people of the United States after the treaty of separation. It was a national right; and, therefore, as much a *right*, though not so immediate an interest, to the people of Ohio and Kentucky, aye and to the people of Louisiana, after they became a part of the people of the United States, as it was to the people of Massachusetts and Maine. The latter had always used it since they had been British colonists, and the coasts had been in British dominions. But, as the settlement of the colonies themselves had not been of time immemorial, it was not, and never was pretended to be, a title by prescription.

Such was the title of the United States to the fisheries—prior possession, and acknowledgment by the treaty of 1783.

The commissioners at Ghent had received from the secretary of state a letter of instruction, dated 25th of June, 1814, containing the following passage:

"Information has been received from a quarter deserving of attention, that the late events in France have produced such an effect on the Bri-

"fish government, as to make it probable that a demand will be made at Gothenburg, to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will, of course, treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease."

Now, it is very true that a majority of the commissioners did construe these instructions to mean, that the right to the fisheries was not to be surrendered. They did not subtilize, and refine, and inquire, whether they could not surrender a part, and yet not bring the right into discussion; whether we might not give up a liberty, and yet retain a right; or whether it was an argument, or an agreement, that was forbidden. They understood that the fisheries were not to be surrendered.

The demand made by the British government was first advanced in an artful and ensnaring form. It was by assuming the principle that the right had been forfeited by the war, and by notifying the American commissioners, as they did at the first conference, "that the British government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries." Now to obtain the surrender of thus much of the fisheries, all that the British plenipotentiaries could possibly desire, was that the American commissioners should acquiesce in the principle, that the treaty of 1783 was abrogated by the war. Assent to this principle would have been surrender of the right. Mr. Russell, if we can make any thing of his argument, would have assented, and surrendered, and comforted himself with the reflection, that, as the right had not been brought into discussion, the instructions would not have been violated.

But, however clearly he expresses this opinion in his letter, and however painfully he endeavors to fortify it by argument, he never did disclose it to the same extent at Ghent. The only way in which it was possible to meet the notification of the British plenipotentiaries, without surrendering the rights which it jeopardized, was by denying the principle upon which it was founded. This was done by asserting the principle, that the treaty of independence of 1783 was of that class of treaties, and the right in question of the character, which are not abrogated by a subsequent war; that the notification of the intention of the British government to renew the grant, could not affect the right of the United States, which had not been forfeited by the war; and that, considering it as still in force, the United States needed no new grant from Great Britain to revive, nor any new article to confirm it.

This principle I willingly admit was assumed and advanced by the American commissioners at my suggestion. I believed it not only indispensably necessary to meet the insidious form in which the British demand of surrender had been put forth; but sound in itself, and maintainable on the most enlarged, humane, and generous principles of international law. It was asserted and maintained by the American plenipotentiaries at Ghent; and if, in the judgment of Mr. Russell, it suffered the fishing liberty to be brought into discussion, at least it did not surrender the right.

It was not acceded to by the British plenipotentiaries. Each party adhered to its asserted principle; and the treaty was concluded without settling

the interest involved in it. Since that time, and after the original of Mr. Russell's letter of the 11th February, 1815, was written, the principle asserted by the American plenipotentiaries at Ghent, has been still asserted and maintained through two long and arduous negotiations with Great Britain, and has passed the ordeal of minds of no inferior ability. It was terminated in a new and satisfactory arrangement of the great interest connected with it, and in a substantial admission of the principle asserted by the American plenipotentiaries at Ghent; by that convention of the 20th October, 1818, which, according to the duplicate of Mr. Russell's letter, he foresaw in February, 1815, even while writing his learned dissertation against the right which he had been instructed not to surrender, and the only principle by which it could be defended.

At this time, and after all the controversy through which the American principle was destined to pass, and has passed, I, without hesitation, re-assert, in the face of my country, the principle, which, in defence of the fishing liberties of this nation, was, at my suggestion, asserted by the American plenipotentiaries at Ghent.

I deem this re-assertion of it the more important, because, by the publication at this time of Mr. Russell's letter, that plenipotentiary has not only disclaimed all his share in the first assertion of it, but has brought to bear all the faculties of his mind against it, while the American side of the argument, and the reasons by which it has been supported against arguments coinciding much with those of his letter, but advanced by British reasoners, are not before the public. The principle is yet important to great interests, and to the future welfare of this country.

When first suggested, it obtained the unanimous assent of the American mission. In their note of 10th November, 1814, to the British plenipotentiaries, which accompanied their first project of a treaty, they said, "in answer to the declaration made by the British plenipotentiaries, respecting the fisheries, the undersigned, referring to what passed in the conference of the 9th August, can only state, that they are not authorized to bring into the discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognized, no further stipulation has been deemed necessary by the government of the United States, to entitle them to the full enjoyment of all of them." This paragraph was drawn up, and proposed to the mission by the members with whom Mr. Russell concurred in objecting to the proposal of an article confirmative of the fishing liberties and navigation of the Mississippi, and as a substitute for it. The mission unanimously accepted it: and the fishing liberties being thus secured from surrender, no article relating to them or to the Mississippi was inserted in the project sent to the British mission.

But one of the objects of the negotiation was to settle the boundary between the United States and the British dominions, from the northwest corner of the Lake of the Woods westward. That boundary, by the treaty of 1783, had been stipulated to be, "from the most northwestern point of the Lake of the Woods on a due west course to the river Mississippi; and thence, down the middle of the Mississippi, to the 31st degree of north latitude;" while, by the eighth article of the same treaty, it had been stipulated, that "the navigation of the river Mississippi, from its source to the ocean,

"should forever remain free and open to the subjects of Great Britain and the citizens of the United States."

The right of Great Britain and of the United States, at the time of the treaty of 1783, to make this stipulation with regard to the navigation of the Mississippi, might be, and afterwards was, questioned by Spain, then a possessor also of territories upon the same river, and indeed of both its banks, from its mouth, to a higher latitude than that thus stipulated as the boundary of the United States. But, as, between Great Britain and the United States, there could, at the time of the conclusion of the treaty of 1783, be no possible question of the right of both to make the stipulation, the boundary line itself being in substance a concession of territory to the river, and down its middle to latitude 31, which Great Britain was undoubtedly competent to make, and the United States to receive. Now the United States having received the cession and the boundary, with the right to navigate the river, with the express condition that the navigation of the river should forever remain free and open to British subjects, and having expressly assented to that condition, without considering it as infringing upon any right of Spain; they could not, consistently with good faith, by acquiring afterwards the right of Spain, allege that this acquisition absolved them from the obligation of the prior engagement with Great Britain. There is, indeed, in Mr. Russell's letter, a hesitating argument to that effect; the odious character of which is but flimsily veiled by its subtlety. The United States had always insisted upon their right of navigating the Mississippi, by force of the article of the treaty of 1783, and had obtained the acknowledgment of that right from Spain herself, many years before they acquired her territorial right, by the purchase of Louisiana. With what front then could an American negotiator have said, after the latter period, to a British minister:—You have no right to the navigation of the Mississippi, for although, on receiving from you a part of the river, we expressly stipulated that you should forever enjoy a right to its navigation, yet that engagement was a fraud upon the rights of Spain; and although, long before we had acquired these rights of Spain, she had acknowledged our right to navigate the river, founded upon this very stipulation of which you now claim the benefit, yet I will now not acknowledge your right founded on the same stipulation. Spain, no party to the compact between you and me, after controverting it as infringing upon her rights, finally acceded to its beneficial application to us, as compatible with those rights. But we, who made the compact with you, having now acquired the adverse rights of Spain, will not allow you the beneficial use of our own compact. We first swindled and then bullied Spain out of her rights, by this eighth article of the treaty of 1783; and now, having acquired ourselves those rights, we plead them for holding our engagement with you for a dead letter.

This, and nothing more or less than this, is the substance of Mr. Russell's argument to show, that perhaps the United States were, by the acquisition of Louisiana, absolved from the obligation of the 8th article of the treaty of 1783, even before the war of 1812.

But, says Mr. Russell, the treaty of 1783 was made, under a belief of both parties, that it would leave Great Britain with a portion of territory upon the Mississippi, and, therefore entitled to claim the right of navigating the river. But the boundary line of the treaty of 1783, was a line from the north-

westernmost point of the Lake of the Woods, due west to the Mississippi. And after the treaty of 1783, but before the war of 1812, it had been found that a line due west, from the northwest corner of the Lake of the Woods, did not strike the Mississippi. Therefore, continues Mr. Russell, Great Britain could claim no territorial right to the navigation of the river; and, therefore, had no longer any claim to the benefit of the eighth article of the treaty of 1783.

To this it may be replied: First, that the British claim of right to navigate the Mississippi was not founded solely on the territory which it was believed they would retain upon that river, by the boundary west from the Lake of the Woods. The eighth article of the treaty of 1783, was a separate and distinct article, stipulating the right of both nations to navigate the river, without any reference to boundary or to territory. But the boundary, the territory, and the right to navigate the river, were all, in that treaty, cessions from Great Britain to the United States. And, had it even been the intention of both parties that Britain should cede the whole of her territories on the Mississippi, it was yet competent to her to reserve the right of navigating the river for her subjects, in common with the people of the United States, and competent for the United States to accept the cession, subject to that reservation. They did so by the eighth article of the treaty. And, in this point of view, the British right of navigating the river, within the American territory, was precisely similar to the American liberty of fishing within the British territorial jurisdiction, reserved by the third article of the same treaty.

But, secondly, the discovery that a line due west, from the northwesternmost corner of the Lake of Woods, would not strike the Mississippi, had not deprived Great Britain of all claim to territory upon that river, at the time of the negotiation at Ghent. The line described in the treaty was, from the northwesternmost point of the Lake of the Woods, "on a due west course to the river Mississippi." When it was found that the line due west did not touch the Mississippi, this boundary was annulled by the fact. It remained an unsettled boundary, to be adjusted by a new agreement. For this adjustment, the moral obligation of the parties was to adopt such a line as should approximate as near as possible to the intentions of both parties in agreeing upon the line for which it was to be substituted. For ascertaining this line, if the United States were entitled to the benefit of the words "on a due west course," Britain was equally entitled to the benefit of the words "to the river Mississippi." Both the demands stood on the same grounds. Before the war of 1812, three abortive attempts had been made by the parties to adjust this boundary. The first was by the treaty of 1794, when it was already conjectured, but not ascertained, that the line due west from the lake would not intersect the Mississippi. By the fourth article of the treaty of 1794, it was agreed that a joint survey should be made to ascertain the fact; and that, if, on the result of that survey, it should appear that the west line would not intersect the river, the parties would proceed, "by amicable negotiation, to regulate the boundary line in that quarter, according to justice and mutual convenience, and in conformity to the intent of the treaty of 1783." This survey was never made.—The second attempt to adjust the line was, by the convention signed on the 12th of May, 1803, by Mr. King and Lord Hawkesbury; the fifth article of which after reciting the same uncertainty, whether a line

drawn due west from the Lake of the Woods would intersect the Mississippi, provided that, instead of the said line, the boundary of the United States, in that quarter, should, and was declared to be, *the shortest line which could be drawn between the north-west point of the Lake of the Woods, and the nearest source of the river Mississippi.* This convention not having been ratified, the third attempt at adjustment had been made in the negotiation of Mr. Monroe and Mr. Pinkney, of 1806 and 1807; at which an article had been proposed and agreed to, that the line should be from the most northwestern point of the Lake of the Woods, to the 49th parallel of latitude, and from that point due west along and with the said parallel, *as far as the respective territories extend in that quarter.* And with that article was coupled another, as follows:

"It is agreed by the United States, that his majesty's subjects shall have, at all times, free access from his majesty's aforesaid territories, by land or inland navigation, into the aforesaid territories of the United States, to the river Mississippi, with the goods and effects of his majesty's said subjects, in order to enjoy the benefit of the navigation of that river, as secured to them by the treaty of peace, between his majesty and the United States, and also by the third article of the treaty of amity, commerce, and navigation, of 1794.—And it is further agreed, that his majesty's subjects shall, in like manner, and at all times, have free access to all the waters and rivers falling into the western side of the river Mississippi, and to the navigation of the said river."

This negotiation was suspended, by a change of the British ministry, and was not afterwards resumed. But the following observations upon the two articles, contained in a letter from Mr. Madison to Messrs. Monroe and Pinkney, of 30th July, 1807, show how far Mr. Jefferson, the then president of the U. States, had authorized those commissioners to accede to them.

"Access by land or inland navigation from the British territories, through the territory of the U. States to the river Mississippi, is not to be allowed to British subjects with their goods or effects, unless such articles shall have paid all the duties, and be within all the custom house regulations, applicable to goods and effects of citizens of the United States. An access through the territory of the United States to the waters running into the western side of the Mississippi, is under no modification whatever to be stipulated to British subjects."

Such then was the state of things in relation to this interest in question, at the time when the war of 1812 broke out; and at the negotiation of Ghent, the same question of boundary again occurred for adjustment.

The right of the British to a line from the Lake of the Woods to the Mississippi, had never been renounced: and, at the last negotiation between the parties, four years after the United States had acquired Louisiana, and with it all the Spanish rights upon the Mississippi, the British government, in assenting to take the 49th parallel of latitude as a substitute for the line to the Mississippi, had expressly re-stipulated for the free navigation of the river, and free access to it from our territories; to both of which Messrs. Monroe and Pinkney had been explicitly authorized to accede.

Under this state of things, it had never been admitted by the British, nor could we maintain against them by argument, even that the Mississippi river was within our exclusive jurisdiction: for so long as

they had a right by treaty to a line of boundary to that river, and consequently to territory upon it, they also had jurisdiction upon it; nor, consequently, could the instructions of 15th April, 1813, had they even been still in full force, have restricted the American commissioners from making or receiving a proposition, for continuing to the British the right of navigating the river, which they had enjoyed, without ever using it, from the time of the treaty of 1783, when the United States had received, by cession from them, the right of enjoying it jointly with them.

Bearing in mind this state of things, we are also to remember, that, in the conference of 19th August, 1814, and in the letter of that date, from the British to the American plenipotentiaries, (see Wait's state papers, vol. 9, pp. 334 and 338,) they had claimed a new north-western boundary line from Lake Superior to the Mississippi, and the free navigation of that river. To this the American commissioners had answered on the 24th of August, 1814: The undersigned perceive that the British government "propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, *as it now is*, but from Lake Superior;" and they objected to it, as demanding a cession of territory.

The British plenipotentiaries, on the 4th Sept. 1814, replied:

"As the necessity for fixing some boundary for the northwestern frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territories in that direction, and that, availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then, unquestionably, any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.

"Is the American government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or, is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi, (the arrangement made by a convention in 1803, but not ratified,) as that by which their government is ready to abide?

"The British plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary which may be submitted for consideration."

I stop here for a moment to observe how instinctively, if the expression may be allowed, both the parties in this correspondence recur to the treaty of 1783, with a consciousness that it was yet in full force, as an appeal for either in support of its claims. The expression in the above American note, applied to the boundary, "as it now is;" the reference of the British note to the geographical error in the treaty of 1783, and their willingness to discuss the arrangement of 1803, (the shortest line from the Lake of the Woods to the Mississippi,) both acknowledge the treaty of 1783 as the basis of all proposition and all argument, and as being yet in force for every thing which should not be otherwise provided for in the new treaty.

In their note of the 21st of October, 1814, the British commissioners said:

"On the subject of the fisheries, the undersigned expressed, with so much frankness, at the confer-

ence already referred to, the views of their government, that they consider any further observations on that topic as unnecessary at the present time.

"On the question of the boundary between the dominions of his majesty and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the northwestern boundary, from the Lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection."

Thus stood the parties and the subject, when, on the 10th of November, 1814, the American plenipotentiaries sent the first project of a treaty to the British commissioners. It contained no article relating either to the fisheries or to the Mississippi; but, in the note which accompanied it, to meet the notification twice given, on the part of the British government, that they did not intend to grant, without equivalent, the liberty of fishing within the British jurisdiction, the counter-notification, already noticed, was introduced, informing them that the American government did not consider the fishing liberties as forfeited by the war, and that they would remain in full force without needing any new grant to confirm them. At this stage of the negotiation, therefore, the American plenipotentiaries did actually pursue the first of those three other ways of proceeding, which Mr. Russell, in the postscript to the original of his letter of the 11th of February, 1815, says they might have taken, and to which he adds that he would have assented, namely, to contend for the continuance of the fishing privilege, notwithstanding the war, without saying any thing about the navigation of the Mississippi. It cannot but be surprising to find Mr. Russell, within three months after these events, writing privately to the secretary of state, stating this as a course other than that which we had pursued, and that he would have assented to it if we had, when it was the very course that we did pursue, and he had assented to it. We did contend, not for the *indestructibility*, as Mr. Russell terms it, of the treaty of 1783, but that, from its peculiar character, it was not abrogated by the mere occurrence of war. We never maintained that the treaty of 1783 was indestructible, or imperishable, but that the rights, liberties, and boundaries, acknowledged by it, as belonging to us, were not abrogated by mere war. We never doubted, for example, that we might be compelled to stipulate a new boundary; but that would have been, not as a consequence of mere war, but the effect of conquest, resulting from war. The difference between our principle and that of the British, was, that they, considering the rights acknowledged as belonging to us by the treaty, as mere grants, held them as annulled by war alone; while we, viewing them as rights existing before the treaty, and only acknowledged by it, could not admit them to be forfeited without our own assent. Britain might have recovered them by conquest; but that could not be consummated without our acquiescence, tacit or expressed. Mr. Russell, who assented to our principle, and asserted it with us, now says he always thought the British principle the true one. If the American mission, at that trying time, had acted upon it, he never would have prophesied the convention of October, 1818.

The eighth article of the project of a treaty, sent by the American commissioners on the 10th of Nov. offered the boundary which had been proposed in 1807, a line north or south to latitude 49, and westward, on that parallel, as far as the territories of the two countries extended, and said nothing about

the Mississippi. But when, on the 26th of Nov. the British plenipotentiaries returned the project, with their proposed amendments, they accepted the 49th parallel, westward from the Lake of the Woods, for the boundary, but with the following addition to the article: "And it is further agreed, the subjects of his Britannic majesty shall, at all times, have access, from his Britannic majesty's territories, by land or inland navigation, into the aforesaid territories of the United States to the river Mississippi, with their goods, effects and merchandise, and that his Britannic majesty's subjects shall have and enjoy the free navigation of the said river."

It was to meet this demand, that, at the conference of 1st December, the American plenipotentiaries proposed to strike out all those words, and to substitute the amendment contained in the protocol of that conference, already communicated to congress. It was thus that the relation which Mr. Russell, within three months afterwards, so singularly professes not to perceive between the fishing liberties and the Mississippi navigation, not only naturally arose, but forced itself upon the American plenipotentiaries. They had saved the fishing liberties from *surrender*, as they had been specially instructed to do, by asserting that the treaty of 1783 had not been abrogated *ipso facto* by the war. Two days before receiving this counter project, they had received from Washington a fresh instruction, expressly authorizing them to conclude a treaty on the basis of the *status ante bellum*, including, of course, the fishing liberty on one side, and the navigation of the Mississippi on the other. They could not, therefore, consistently with those instructions, either reject this British demand, or abandon to surrender the fisheries. They offered, therefore, the amendment containing the renewed acknowledgment of both; and they said to the British plenipotentiaries—We have told you that we consider all the rights, secured to us by the treaty of 1783, as still in force. What we demand, if you assent to it, we must yield in return. If, as we say, the treaty of 1783 is yet in force, you have the right of navigating the Mississippi, and we have the fishing rights and liberties unimpaired. If, as you say, the treaty is abrogated, how can you claim the right of navigating the Mississippi? You must admit the one or not demand the other. We offer you the alternative of a new stipulated admission of both, or a total omission of both. We offer you in application the choice of our principle or of your own.

The British commissioners took the proposal for reference to their government, by whom it was immediately rejected. But, to show how anxious they were to obtain from us the surrender of our fishing liberties, and how cheaply they valued the right of navigating the Mississippi, as one of the last expedients of negotiation, they offered us an article agreeing that, after the peace, the parties would further negotiate "respecting the terms, conditions, and regulations, under which the inhabitants of the United States" should again enjoy the fishing liberties, "in consideration of a fair equivalent, to be agreed upon between his majesty and the said United States, and granted by the said United States for such liberty aforesaid;" and a reciprocal stipulation with regard to the British right of navigating the Mississippi. As the parties after the peace would have been just as competent further to negotiate on these points, if so disposed, without this article as with it, its only effect would have been a mutual *surrender*, on the American side, of the fishing liberties, and, on the British side, of the right to navigate the Mississippi; with this dif-

ference, that we should have surrendered, in direct violation of our instructions, a real, existing, practical liberty, which, even in the war of our independence, had been deemed of the highest importance, and at its close had been, with infinite difficulty, secured; a liberty, of which that portion of the union whom it immediately concerns had been, from the time of the treaty of 1783, in the constant, real and useful possession; while the British would have surrendered absolutely nothing; a right which, by inference from their own principle, was abrogated by the war; a right which, under the treaty of 1783, they had enjoyed for thirty years, without ever using it, and which, in all human probability, never would have been of more beneficial use to the British nation than would be to the people of the U. States the right of navigating the Bridge-water canal or the Danube.

There was certainly an inconsistency, on the part of the British government, in claiming a right to navigate the Mississippi, while asserting that the treaty of 1783 was abrogated by the war; and, when pressed by us to say on what principle they claimed it, without offering for it an equivalent, they said the equivalent was, their acceptance of the 49th parallel of latitude for the north-western boundary, instead of the line, to which they were entitled by the treaty of 1783, to the Mississippi. As they gave up the line to the river, they said they had a right to reserve its navigation, and access to it for that purpose.— They had said the same thing to Messrs. Monroe and Pinkney, in 1807; and the principle had been assented to by them, with the subsequent sanction of president Jefferson. Still the whole argument leaned upon the continuing validity of the treaty of 1783; for the boundary line, as well as the Mississippi navigation, was null and void, if that treaty was abrogated. We replied to them, that although we were willing to agree to the 49th parallel of latitude for the boundary, and thought it of mutual interest that the line should be fixed, we were yet not tenacious of it: we could not agree to their article of mutual surrender, with a pledge of future negotiation; but we would consent to omit the boundary article itself, and leave the whole subject for future adjustment. And to this they finally agreed.

The advantage of this to us was, that we came out of the war, without having surrendered the fishing liberties, as they had been enjoyed before, and stipulated at the treaty of 1783. We were still free to maintain, and we did, after the conclusion of the peace, effectively maintain, the existence of the right, notwithstanding the intervening war. The British government still insisted that the treaty of 1783 was abrogated by the war; but, when called upon to show why then they treated the United States as an independent nation, and, why in the treaty of Ghent, they had agreed to four several commissions to ascertain boundaries, "according to the true intent and meaning of that same treaty of 1783," they finally answered, that they considered our independence, and the boundaries, as existing facts, like those of other nations, without reference to their origin. This left nothing but a dispute about words; for we applied the same principle to the fishing liberties of the third article, which they conceded with regard to the acknowledgement of independence and to the boundaries. They considered the whole treaty of 1783 as a British grant. We considered it as a British acknowledgement. They never drew the nice distinction, attempted by Mr. Russell, between

a perishable and imperishable part of the treaty, or admitted that it consisted of rights which they could not, and of privileges which they could, resume without our consent. By their principle they might have resumed the whole; and, when they notified to us at Ghent, that they did not intend to grant us again the fishing liberties within their exclusive jurisdiction, but that they meant to leave us the right of fishing in the open sea, they gave us distinctly enough to understand that they were treating us with magnanimity in not resuming the whole. There was in truth no difference in the principle. And Mr. Russell, in consulting his Vattel, to find that fishing rights were *jura mere facultatis*, and therefore imprescriptible, ought to have seen what that writer very explicitly says, not that they were rights which could not be acquired by long usage, but rights which could not be lost by non user. He ought also to have seen, what Vattel no less clearly lays down, that, although a nation may appropriate to itself a fishery upon its own coasts, and within its own jurisdiction, yet, "if it has once acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it: it has left that fishery in its primitive freedom, at least with respect to those who have been in possession of it." And he cites the herring fishery on the coast of England, as being common to them with other nations, because they had not appropriated it to themselves from the beginning.

In perusing the letter of Mr. Russell, whether original or duplicate, I cannot but reflect with gratitude to providence, upon the slender thread by which the rights of this nation to the fisheries were in fact suspended at the negotiation of Ghent. Positive and precise as our instructions were, not to surrender them, if Mr. Russell had disclosed at Ghent the opinions avowed in either version of his letter; if he had so broadly asserted, and so pertinaciously maintained, his conviction of the utter worthlessness of the fisheries, in comparison with the exclusion of the British from a mere phantom of right to navigate the Mississippi, which they had always enjoyed without use, without benefit to themselves or injury to us; if he had so learnedly disserted to prove that the treaty of 1783 was totally and absolutely abrogated by the war; if he had so thoroughly inverted the real state of the question, and painted it in such gloving colors as a sacrifice of deep, real interests of the West, to a shallow, imaginary interest of the East; if with that perseverance which is the test of sincerity, he had refused to sign the proposal determined upon by the majority of his colleagues, and given them notice that he should transmit to his government the vindication of himself and his motives for differing from them; and above all, if another mind could have been found in the mission, capable of concurring with him in those views, it would at least have required of the majority an inflexibility of fortitude, beyond that of any trial by which they were visited, to have persevered in their proposal. Had they concurred with him in his opinion of the total abrogation of the treaty of 1783, by the mere fact of the war, the fisheries in the Gulf of St. Lawrence, on the coast of Labrador, and to an indefinite extent from the Island of Newfoundland, were lost to the United States forever, or at least till the indignant energy of the nation should have recovered, by conquest, the rights thus surrendered to usurpation. In notifying to us that the British government intended not to renew the grant of the fisheries within British juris-

diction, they had not said what extent they meant to give to these terms. They had said they did not mean to extend it to the right of the fisheries, generally, or in the open seas, enjoyed by all other nations. (*See letter of the American commissioners to the secretary of state of 12th August. 1814.—Wait's state papers, vol. 9, page 321.*) But there was not wanting historical exposition of what Great Britain understood by her exclusive jurisdiction, as applied to these fisheries. In the 12th article of the treaty of Utrecht, by which Nova Scotia or Acadia had been ceded to France by Great Britain, the cession had been made "in such ample manner and form, that the subjects of the most Christian king shall hereafter be excluded from all kind of fishing in the said seas, bays, and other places on the coasts of Nova Scotia; that is to say, on those which lie towards the east, within thirty leagues, beginning from the island commonly called Sable, inclusively, and thence along, towards the southwest."

By the thirteenth article of the same treaty, French subjects were excluded from fishing on any other part of the coast of the island of Newfoundland, than from Cape Bonavista northward, and then westward to Point Riche. By the fifteenth article of the treaty of Utrecht, between Great Britain and Spain, certain rights of fishing at the Island of Newfoundland, had been reserved to the Guipuscoans, and other subjects of Spain; but in the eighteenth article of the treaty of peace, between Great Britain and Spain, of 1763, his Catholic majesty had desisted, "as well for himself as for his successors, from all pretension which he might have formed in favor of the Guipuscoans and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland." In these several cases, it is apparent that Great Britain had asserted and maintained an exclusive and proprietary jurisdiction over the whole fishing grounds of the Grand Bank, as well as on the coast of North America, and in the Gulf of St. Lawrence. Nor are we without subsequent indications of what she would have considered as her exclusive jurisdiction, if a majority, of the American commission at Ghent had been as ready as Mr. Russell declares himself to have been, to subscribe to her doctrine, that all our fishing liberties had lost, by the war, every vestige of right. For, in the summer of 1815, the year after the conclusion of the peace, her armed vessels on the American coast warned all American fishing vessels not to approach within sixty miles of the shores.

It was this incident which led to the negotiations which terminated in the convention of the 20th October, 1818. In that instrument the U. States had renounced forever, that part of the fishing liberties which they had enjoyed or claimed in certain parts of the exclusive jurisdiction of British provinces, and within three marine miles of the shores. This privilege, without being of much use to our fishermen, had been found very inconvenient to the British; and, in return, we have acquired an enlarged liberty, both of fishing and drying fish, within the other parts of the British jurisdiction, forever. The first article of this convention affords a signal testimonial of the correctness of the principle assumed by the American plenipotentiaries at Ghent; for, by accepting the express renunciation of the United States, of a small portion of the privilege in question, and by confirming and enlarging all the remainder of the privilege forever, the British government have implicitly acknowledged that the liberties of the third

article of the treaty of 1763, had not been abrogated by the war, and have given the final stroke to the opposite doctrine of Mr. Russell. That words of perpetuity in a treaty cannot give that character to the engagements it contains, is not indeed a new discovery in diplomatic history; but that truism has as little concern with this question, as the annulment of our treaty of 1778 with France, so aptly applied to it in his letter. It is not, therefore, the word *forever*, in this convention, which will secure to our fishermen, for all time, the liberties stipulated and recognized in it; but it was introduced by our negotiators, and admitted by those of Great Britain as a warning that we shall never consider the liberties secured to us by it, as abrogated by mere war. They may, if they please, in case of a war, consider the convention as abrogated, but the privileges as existing, without reference to their origin. But they and we, I trust, are forever admonished against the stratagem of demanding a surrender, in the form of notifying a forfeiture. They and we are aware, forever, that nothing but *our own renunciation* can deprive us of the right.

The second article of this same convention affords a demonstration equally decisive, how utterly insignificant and worthless, in the estimation of the British government, was this direfully dreaded navigation of the Mississippi. The article gives us the 49th parallel of latitude for the boundary, and neither the navigation of the river, nor access to it, was even asked in return.

These are conclusive facts—facts appealing not to the prejudices or the jealousies, but to the sound sense and sober judgment of men. Without yielding at all to Mr. Russell, in my "trust in God and the valor of the West," I have an equal trust in the same Divine Being, as connected with the justice of the west. I have the most perfect and undoubting reliance, that to the clear-sighted intelligence of the western country, the gorgons, and hydras, and chimeras dire, of Mr. Russell's imagination, raised by incantation from the waters of the Mississippi, will sink as they rose, and be seen no more. Without professing to sacrifice any of those ties of duty and allegiance, which bind me to the interests of my native state, I cannot allow Mr. Russell's claim to a special ardor for the welfare of the west, to be superior to my own, or to that of the deceased, or of the living colleague with whom I concurred, without mental reservation, in the measure subscribed to, and denounced by Mr. Russell. We were all the ministers of the whole union; and sure I am, that every member of the majority would have spurned with equal disdain the idea of sacrificing the interest of any one part of the union to that of any other, and to the uncandid purpose of awakening suspicions at the source of their common authority here, against the patriotism and integrity of any one of his colleagues.

I shall conclude with a passing notice of the three alternatives, which, in the postscript to the original of his letter of 11th of February, 1815, he says, we might have taken, instead of that which, as he alleges, we, against his will, did do. We had, says he, three other ways of proceeding:

"First. To contend for the indestructibility of the treaty of 1763, thence inferring the continuance of the fishing privilege, without saying any thing about the navigation of the Mississippi, which would have reserved our right of contesting this navigation, on the grounds I have mentioned, specially applicable to it. Secondly. To

"have considered the treaty at an end, and offered a reasonable equivalent, *wherever it might be found*, "for the fishing privilege." Thirdly. To have made this liberty a *sine qua non* of peace, as embraced by the principle of *status ante bellum*.

"To either of these propositions" (he adds), "I would have assented. But I could not consent to grant or revive the British right to the navigation of the Mississippi."

He could not consent! He did consent: see his name subscribed to the letter from the American to the British plenipotentiaries of 12th December, 1814—p. 44 of the message of 25th February last.

It is, indeed, painful to remark here, and throughout this letter of Mr Russell, how little solicitude there is discoverable, to preserve even the appearance of any coincidence between his real sentiments and his professions: half his letter is an argument in form to prove, that the treaty of 1783 was abrogated by the war; yet, he says he would have assented to contend for its *indestructibility*, so long as it applied only to the defence of the fisheries, reserving his special grounds of objection to its being applied to the navigation of the Mississippi. I have shewn, that the indestructibility of the treaty of 1783 never was asserted by any of the American commissioners; but, that the principle that it had not been abrogated by the war, and that none of the rights stipulated and recognized in it, as belonging to the people of the United States, could be abrogated, but by their own renunciation, was at first assumed in defence of the fisheries only, and without saying any thing of the Mississippi. When, therefore, the demand for the navigation of the Mississippi came from the British plenipotentiaries, Mr Russell's special objections to the application of our principle, in favor of our demand, might have been urged. But what were these special objections? I have shewn, that they were our own wrong—fraud and extortion upon Spain, to justify perfidy to Great Britain. Mr. Russell never did allege these objections at Ghent, and, if he had, a majority of the American mission would, assuredly, have been ashamed to allege them to the British government.

The second way of proceeding, to which Mr. Russell says he would have assented, was to consider the treaty of 1783 at an end, and offer for the fishing privilege a reasonable equivalent, *wherever it might be found*—and where would he have found it? He will not affirm that we had authority to offer any equivalent whatever—we had been specially instructed *not to surrender them*. He says he would have surrendered and purchased them at a reasonable price again.

The third substitute to which he says he would have assented, is the strangest of all. He says he would have made it a *sine qua non* of peace, as embraced by the principle of *status ante bellum*.

A *sine qua non* for the *status ante bellum*! And yet he could not consent to grant or revive the British right to the navigation of the Mississippi, in order to procure or preserve the fishing liberty; when the *status ante bellum* would have given them not only the whole treaty of 1783, but the permanent articles of the treaty of 1794; not only the navigation of the Mississippi, but unrestrained access to our territories and intercourse with our Indians.

I have shown that the most aggravated portion of Mr. Russell's charge against his colleagues of the majority, that of wilful violation of positive and unequivocal instructions, by a senseless offer to the British plenipotentiaries, sacrificing an im-

portant western to a trifling eastern interest, is not only utterly destitute of foundation, but that it was not even made, nay, more, that it was distinctly contradicted by the letter really written by Mr. Russell at Paris, on the 11th of February, 1815. Into Mr. Russell's motive for introducing it into the duplicate of that letter, delivered by himself at the department of state, to be communicated to the house as the letter called for by their resolution, I shall not attempt to penetrate; having, as I trust, equally shown that the charges implied in the real letter are as groundless as their aggravations in the duplicate. The professions of unfeigned respect to the integrity, talents, and judgment, of those colleagues whose conduct is, in the same letter, represented as so weak, absurd, and treacherous, I can, for my own part, neither accept or reciprocate. To have been compelled to speak, as in these remarks I have done, of a person distinguished by the favor of his country, and with whom I had been associated in a service of high interest to this union, has been among the most painful incidents of my life. In the defence of myself and my colleagues, against imputations so groundless in themselves, at first so secretly set forth, and now so wantonly promulgated before the legislative assembly of the nation, it has been impossible entirely to separate the language of self-vindication from that of reproach. With Mr. Russell I can also rejoice that the proposal offered on the 1st of December, 1814, was rejected by the British government, not because I believe it now, more than I did then, liable to any of the dangers and mischiefs so glaring in the vaticinations of Mr. Russell, but because both the interests to which it relates have since been adjusted in a manner still more satisfactory to the United States. I rejoice, too that this adjustment has taken place before the publication of Mr. Russell's letter could have any possible influence in defeating or retarding it. The convention of 20th Oct. 1818, is the refutation of all the doctrines of Mr. Russell's letter, to which there can be no reply. It has adjusted the fishing interest upon the principle asserted by the American mission at Ghent, but disclaimed by Mr. Russell. It has given us the boundary of latitude 49, from the Lake of the Woods westward, and it has proved the total indifference of the British government to the right of navigating the Mississippi, by their abandonment of their last claim to it, without asking an equivalent for its renunciation.

With regard to the magnitude of the fishing interest, which was at stake during the negotiation at Ghent, I believe the views disclosed in Mr. Russell's letter as incorrect as the principles upon which he would have surrendered it. The notification of exclusion was from all fisheries within exclusive British jurisdiction. I have shown that, historically, Great Britain had asserted and maintained exclusive proprietary jurisdiction over the whole. Had we tamely acquiesced in her principle of forfeiture without renunciation, we should soon have found that her principle of exclusion embraced the whole.

That a citizen of Massachusetts, acquainted with its colonial history, with the share that his countrymen had had in the conquest of a great part of these fisheries, with the deep and anxious interest in them taken by France, by Spain, by Great Britain, for centuries before the American revolution; acquainted with the negotiations of which they had been the knot, and the wars of which they had been the prize, between the three most powerful maritime nations of modern Europe; ac-

quainted with the profound sensibility of the whole American union, during the revolutionary war, to this interest; and with the inflexible energies by which it had been secured at its close; acquainted with the indissoluble links of attachment between it and the navigation, the navy, the maritime defence, the national spirit and hardy enterprize of this great republic; that such a citizen, stimulated to the discharge of duty by a fresh instruction from his government, given at the most trying period of the war, upon the very first rumor of an intention, on the part of Great Britain, to demand its surrender, *not to surrender it*, sooner to break off the negotiation than surrender it; that such a citizen, with the dying words of Lawrence, "don't give up the ship," still vibrating on his ear, should describe this interest "as totally unnecessary for us for subsistence or occupation," and affording, "in no honest way, either commercial facility or political advantage," as "the doubtful accommodation of a few fishermen annually decreasing in number," is as strange and unaccountable to me as that he should deliberately sit down, two months after the treaty was concluded, and write to his government a cold blooded dissertation to prove that there was nothing, absolutely nothing, in the principle upon which he and his colleagues had rested its future defence, and that he considered the fishing liberty "to be entirely at an end, without a new stipulation for its revival."

Such were not the sentiments of a majority of the American commissioners at Ghent; such were, particularly, not the sentiments of the writer of these remarks. He reflects, with extreme satisfaction, upon that deep and earnest regard for this interest, manifested at that time by the executive government of the United States, in the positive and unqualified instruction of 25th June, 1814, to the commissioners, on no consideration whatever *to surrender the fisheries*. He rejoices that this instruction was implicitly obeyed; that the nation issued from the war with all its rights and liberties unimpaired, preserved as well from the artifices of diplomacy, as from the force of preponderating power upon their element, the seas; and he trusts that the history of this transaction, in all its details, from the instruction *not to surrender the fisheries*, to the conclusion of the convention of 20th of October, 1818, will give solemn warning to the statesmen of this union, in their conflicts with foreign powers, through all future time, never to consider any of the liberties of this nation as abrogated by a war, or capable of being extinguished by any other agency than our own express renunciation.

JOHN QUINCY ADAMS.

May 3, 1822.

☞ Always preferring to publish documentary papers so as to present a view of the whole ground at once to our readers, if possible, we gave up the greater part of the last REGISTER to the insertion of Mr. Russell's letters, and now appropriate the most of our pages to the publication of Mr. Adams' reply.

It is not our design to take any part as to the merits of the controversy which has made no small excitement among our politicians; but, in conformity with what was set forth in our last paper, we shall ask, *what good can grow out of it?* How has the public service been profited by what we must esteem an indelicate as well as an imprudent affair?

We cannot blame Mr. Adams for claiming the right of a reply, and must approve that sense of justice in the president which afforded him the op-

portunity to make it: Mr. Russell, also, had an undoubted right to express his sentiments as to the proceedings had at Ghent, either in a public or private letter, to a public or a private man—but there is something in the *getting-up* of this matter that appears very exceptionable. It is impossible to believe that it had any other origin than in *electioneering* views, because it seems impossible that its issue could have been other than for *electioneering* purposes—no public benefit, real or imaginary, has been suggested in favor of it, and the propriety of bringing forward the opinions of an individual, acting with others on a great public occasion and with confidence in one another, may well be questioned. The nation was interested in the result of their negotiation, and that was satisfactory. We do not generally approve the idea that our government ought to have *secrets*—but as it regards our intercourse with foreign powers, we deem it unnecessary, if not mischievous, that the private, and, perhaps, only conditional or contingent views of our ministers, should be wantonly dragged before the people. Treaties between nations are like bargains among individuals, in which each party strives to do the best for himself that he can; and it is nearly impossible to estimate or fairly represent the *motives* that influence on occasions of this sort—and even if it were otherwise, the *issue* being honorable, affords the best reason to believe that the *motives* was so.

We have frequently stated that much of the time of the late session of congress was consumed in electioneering for the next president of the United States, for which at least three, if not all the heads of the great departments are held up as candidates by their several friends: and it has been too much the practice of these to attempt the support of their own favorite by depreciating the character and standing of other supposed candidates. It generally appeared in the house of representatives, as if there were at least *two* parties opposed to *one*; thus, the friends of Messrs. Adams and Crawford were running at Mr. Calhoun, those of Messrs. Adams and Calhoun at Mr. Crawford and those of Messrs. Crawford and Calhoun at Mr. Adams—besides various movements to exalt or depress the reputation of other gentlemen named for the presidency. Is this a rightful employment for the national legislature? Where is the article in the constitution that justifies such doings in those elected to make the laws? But it grows out of that spirit of *cavessing* which, if not put down, will virtually deprive the people of the United States of the right of electing their chief magistrate from among themselves, and raise up a sort of nobility in whom the choice shall be really vested. It is a matter that the people must seriously look into and examine: and they should begin with discountenancing things like that now before us—to which Mr. Crawford and Mr. Calhoun have been subjected as well as Mr. Adams.

Let us refer to the *getting up* of this controversy: after the conclusion of the treaty of Ghent, and when, in respect to it, Mr. Russell was a private gentleman, he writes a private letter [*so marked by himself*] to Mr. Monroe as a private man, which he [*the latter*] deposits among his own private papers. The simple fact that such a letter ever was written, much less the nature of its contents, could then only be rightfully known to Messrs. Russell and Monroe, unless confidentially. The former might proclaim it, if he pleased—but the latter was bound as a gentleman to retain it—as we cannot doubt that he did; but Mr. Russell, surely, made a grand mistake when he attempted to con-

vert a *private* paper into a *public* document. The conclusion is irresistible, that *he* was the real cause of the call made for the production of this letter: we are quite certain that the gentleman who made it is incapable of violating private confidence, for we have the pleasure to know his worth—but in behalf of Mr. Russell, charity may plead that he had forgotten the facts which the message of the president disclosed—he may have believed that his private paper was a public one, and so misled others as to its quality.

It will be recollected that, sometime ago, the president had been requested to lay before the house any unpublished correspondence about the treaty of Ghent, which he should think it compatible with the public good to transmit to that body. This request was promptly complied with, and the papers in the department of state were freely communicated. On receiving this document, after having read it, we enquired of a friend at Washington why money had been expended in printing it—for the expenditure appeared to be without any sort of point or utility: he replied, it was supposed that these papers would have implicated Mr. Adams, as one of the commissioners, which they did not; for the papers were signed by *all* of the commissioners. On the 19th of April, a *special* call was made for the particular letter of Mr. Russell—it was not to be found in the department of state, and, the fact being made known, he then undertook to furnish a copy of it, to be sent to the house as that called for by the resolution. Mr. Adams was startled with the matter as presented and renewed his search for the original—it was not to be had; he was justly alarmed, for he became liable to a suspicion that he had destroyed it, or of great carelessness for having mislaid it. Luckily for him, the idea of searching among the president's *private* papers offered itself;—and in these (after two days' labor, as was said at Washington), it was discovered, and the original as well as its reputed duplicate is now before the public, with the answer and remarks of Mr. Adams thereon—about all which every one will judge for himself. A rejoinder from Mr. Russell may be expected, and we shall see how he will get over the indeelicacy of calling for a private paper from a public man—how he will reconcile the matter set forth in the duplicate with the contents of the original, and do away the impression which so generally prevails, that he would not have furnished the latter if he had not felt confident that the former was lost. Mr. Adams' reply is warm—it may be called severe; but the circumstances of the case more than justify him: he might have proceeded much further with the approbation of honorable men, for he was unfairly assailed.

There is another thing connected with this business that we cannot help reproving: after the president had complied with the call of the house, and the papers were regularly in the hands of the printer, Mr. Russell's "duplicate" suddenly appeared in the "National Gazette," as if to seize upon public opinion before the *whole* matter could be laid before the people. This act must be traced to Mr. Russell, and a very *imprudent* one we believe that it was—to speak of it in the most favorable manner that we can.

The preceding remarks have no relation to the merits of the secretary of state—they are substantially the same, and with a view to the same purpose for which we shall speak of *runnings* at other gentlemen—to do what we can to prevent the *hall of legislation* from becoming the *seat of electioneer-*

ing cabals; a *polling place*, at which *any* manœuvre shall stand justified that will make a vote!—A practice that cannot be too earnestly deprecated.

A NEW OPERA, called "Enterprize, or Love and Pleasure," written by a gentleman of Baltimore and set to music by Mr. Clifton, of this city, was performed at our theatre on Monday evening last, to the satisfaction of a numerous audience.

LOUR. If our accounts are to be relied on, there is a great scarcity of bread stuffs in Brazil, the provinces of the Rio de la Plata, Chili and Peru. See the different heads under "Foreign news."

SOUTH AMERICA. The message of the president of the United States, recommending an acknowledgment of the independence of the southern republics, has been extensively published in the British newspapers, with general approbation, so far as we have seen extracts from them. The "True Briton" says "there is policy as well as justice and good sense in this step." Even the "Courier" believes that the British government ought to think of "a frank and decisive policy with respect to the South American governments." The "Times," of the 10th April, speaking of the message, says—"If the commercial and other beneficial relations between the subjects of the foreign powers referred to, and those of the South American republics, could be carried on with the same ease and advantage before any act of formal recognition as after it, we may admit that there was no positive obligation compelling the said foreigners to acknowledge the new race of freemen. But, on the other hand, if inclined to offer them such a proof of respect and confidence, there is now, as we conceive, no public principle forbidding the friendly powers of either hemisphere to exercise their own right of election, as it has been exercised at so many different periods in the history of Europe and Great Britain herself. How far, indeed, a continued acknowledgment of the Spanish sovereignty *de jure* over provinces, which have absolutely and effectually thrown off the *de facto* sovereignty of that nation, may not hereafter give the South Americans a lawful cause of quarrel against states which may be guilty of such a positive denial of their independence, is a question for jurists to decide. The English, under king William, alleged as a principal ground of war against Louis XIV, that he still recognized the title of the Stuart family to the crown of these realms, which title, with the actual possession, the nation had taken into its own hands, and transferred to another sovereign. Spain herself may possibly ere long display sufficient wisdom and manly resolution, to set an example to friendly states, which they can surely not offend her by following. We apprehend, however, that the president is at present somewhat sanguine in expecting that the European Spaniards will deem his recognition of the independence of their *quondam* subjects, "a satisfactory" measure, even when combined with the most pressing assurances of a determination not to change thereby the "friendly relations of the United States with either government."

PIRATES, &c. The U. S. schooner Alligator, Lieut. com. Stockton, has arrived at Charleston from an active cruise in the West India seas, especially on the coast of Cuba, after pirates. Lieut. S. recovered several vessels from the possession of these

wretches, and rescued some prisoners from their murderous hands, but made no prisoners—the pirates keeping close to the shore, and always being on the alert to escape.

The account of the cruise of this vessel, (for a while in company with the U. S. schooner *Grampus*, *lieut. com. Gregory*) is highly interesting—but we have not room to give it now. There is no sort of doubt but that the pirates are encouraged and protected by certain of the authorities in Cuba, especially by the governor of *Holguin*, with whom a correspondence was held which will probably be published. Plundered goods were publicly brought in and sold at *Xibara*, *lieut. Stockton* was hardly restrained, by his positive instructions, from settling the account with the commandant and people of that place.

It appears that the famous *Lafitte* is at the head of some of those parties—that their business is increasing—that they often murder whole crews, and that some strong act of justice, after the manner of *Jackson*, must be committed to suppress these dreadful villanies, to which there seem to be parties throughout the island of Cuba.

The *Alligator* has brought in two prizes, one the Colombian privateer *schr. called the Cienega*, mounting 1 long 12 and 4 carronades, the crew of which had mutinied at *Ragged Island*, and was taken by the *A. off Neuviitas*, without any commission on board; the other a sloop, found in the neighborhood of the pirates at sea, with only a dog on board, and marks of blood on her deck.

FOREIGN NEWS. By numerous arrivals, we have London dates as late as the evening of the 17th April. A summary notice of the chief things mentioned will be found below.

Great Britain. 3 per cent. consols, April 17, 78½ 78¼. There was much bustle and fluctuation in the stock market, and a great deal of gambling. U. S. 5 per cents 96 a 97; bank shares 22½ 10s. with dividend from 1st Jan.; new dollars 4s. 10d.; silver in bars 4s. 11½d. per oz.

Parliament re-assembled on the 17th April—the 19th was fixed on for the second reading of the bill for opening the ports of the West India colonies; and the 22d assigned to take up the report of the agricultural committee.

The king's visit to Ireland cost 40,000*l.* which was taken out of the droits of the admiralty.

It is calculated that the silver lead mines now at work in Cornwall, and others about to commence, will, in a few years, raise sufficient silver for the use of the kingdom. At *Sir Christopher Hawkins'* mine in that county, a plate of silver has been extracted which weighed nearly 400lbs. This mine produces two and sometimes three such pieces a month.

We are informed, (says an English paper), upon the authority of letters from Liverpool, that within the last four months three American vessels have cleared out there, with cargoes consisting principally of British manufactures, cotton goods, and bullion, ostensibly for Java, but really for China.

The distress of the agriculturalists continues: it is exceedingly severe. A person whose tenants owed him 800*l.* offered to receive of them 400*l.* as in full, and out of the whole of them could not raise money enough to pay one of his own debts of 50*l.*

Average price of wheat, 6th April, 45s. 3d. per quarter.

The following is an official account of all foreign grain, meal and flour, remaining in warehouse under bond, on the 5th January, 1822. Barley, 35,955

qrs.; beans 54,897 do.; Indian corn, 226; oats 100,106; peas 10,033; rye 9,001; wheat 678,609 Total 858,947. Meal and flour, 133,652 cwt.

A ship, with specie, &c. valued at 170,000*l.* from *Jamaica* to London, is supposed to be lost at sea.

The action against the cavalry, for the massacre at *Manchester* in 1820, has resulted in a verdict for the defendants—as was expected.

Mrs. *Coutts*, the young widow of the old alderman to whom she gave up her person, is cutting a great dash at London, &c.

Two females lately fought a pitched battle in London—they maintained twenty rounds, to the great delight, no doubt, of the "fancy."

Ireland is yet disturbed and executions are frequent. The country can hardly be quieted unless some relief is afforded to the suffering people, urged on by penury and want. *Many perish for the lack of food.*

Two women have been taken up in Ireland, charged with being *White Boys*.

France. A considerable war appears to be on the point of breaking out between the French and English fishermen, by the encroachments of the latter on the shores of the former. Tranquillity is said to have been restored at *Toulouse*.

Many plots and conspiracies are spoken of as existing in France—but do not appear likely to amount to much just now. *Gen. Berton* is supposed to have fled to Portugal.

Lucien Bonaparte has been ordered to quit Brussels, for having married his son to a daughter of *Joseph Bonaparte*. The very name strikes the legitimists with terror.

The vineyards about *Bordeaux* have suffered much by the frost, and wines and brandies have advanced in price.

Spain. The French editors have manufactured several accounts of massacres in Spain—such as the killing of all the royal family and the assassination of many of the patriot leaders—but the tranquillity of the kingdom was certainly improving, though all was not quiet. *Cadiz* has been declared a free port.

The Spanish minister at Paris has presented a spirited note to the French government, demanding the reason why 25,000 French troops are kept stationed immediately on the Spanish frontier?—The yellow fever, which hitherto afforded a pretence for the proceeding, having totally ceased?

Portugal is going on regularly. The cortes are now chiefly interested about the condition of *Brazil*. Conciliatory measures are recommended.

Naples. The king has decreed the punishment of death on any subject now out of his kingdom, on account of events in 1820, which extends to all persons who correspond with them.

Denmark, &c. There have been dreadful storms on the northern coasts of Europe. It is believed that 1500 persons perished on that of *Jutland*, alone.

Russia. The house of *Tschernikow*, at *Moscow*, has stopped payment for two millions of roubles.

The emperor having instituted an inquiry into the abuses committed in the government of *Siberia*, a report has been made on the subject, in consequence of which 678 civil officers in that country have been removed, punished or reprimanded, including the governors of *Siberia*, of *Irkrutz* and *Tomsk*.

Russia and Turkey were not yet at war. Some negotiations was still said to be going on, and it was reported that *Austria* and *England* were to be mediators; but both parties were preparing for bat-

de. It appears to us that the divan will not, perhaps, cannot, yield any thing to Russia, but has determined that hostilities shall be commenced by that power, the forces of which were still concentrating on the frontier. The state of the roads had prevented the approaches of the artillery, which the Russians seem to be waiting for.

Turkey. A heavy squadron that had been blockaded by the Greeks in the Gulf of Lepanto, has been surrendered to them. This was the fragment of the fleet lately captured by the Greeks, and makes the whole number of vessels taken or destroyed, by that victory, amount to 31—about 20 of which were ships of war—4 of them frigates.

The Janissaries have behaved very disorderly on several occasions—150 were imprisoned at Constantinople and 15 others put to death. 130,000 Asiatic troops are in the neighborhood of the capital, on whom the sultan appears to place much reliance. The Turks are furious for war with the Russians, and it is said that the sultan will himself lead the armies, accompanied by the famous standard of Mahomet; which, being displayed, calls every follower of the prophet to arms.

Many of the provinces are in a state of fermentation; especially Bosnia, Servia, Albania, and Epirus.

The Turks continue their cruelties on the Greeks, though some of the tales seem too horrible for belief. At Kydonia they are said to have employed themselves in hanging and shooting about 1000 children who were too small for the slave market. And it is stated, they had butchered 1200 persons attached to the monasteries of mount Athos, which caused the monks to take part in the struggle.—The Turks have desolated Moldavia with fire—they destroyed 580 houses at Jassy on the night of the 9th March, about which there was a severe battle between the Janissaries and the Tlimes—of the former, 190 men were killed and many wounded.

The Greeks are rapidly improving in discipline, and their forces appear now to be pretty well organized. Many battles take place, in which the Turks are generally defeated—but the details are confused and not worth repeating. It is sufficient to say that the Greeks are evidently gaining ground.—The barbarous government of the Turks has rendered them desperate. Terror prevails wherever the Ottoman has power.

On the certainty of hostilities with Russia, a levy *en masse* will be made at Constantinople. It is reported that 16 000 men have been sent to reduce the people of Candia, who had revolted. The army on the Russian frontier is said to be 160,000 strong and well equipped. It recruits are continually marching towards the capital from the interior Asiatic possessions.

In the late naval victory of the Greeks, the captain bey, Ismael Gibraltar, and the Algerine admiral, were taken prisoners. The Greeks have defeated the Turks at Zelmie, near the famous pass of Thermopylae—their commander, Ulysses, was wounded.

China. It is known to be the practice of the government of this country, when a Chinese is killed by a foreigner, even by accident, to demand life for life. It appears that a British frigate, lying near Canton, for certain good reasons, had fired upon and killed several Chinese. The authorities of the place demanded the same number of Englishmen to be put to death, which was refused. In consequence, all intercourse with the latter was strictly prohibited, and they had struck their flag and embarked at Macao. At this the viceroy was exceedingly alarmed, and is said to have requested the English to give up some of their men to death

and renew their trade, for which it was thought he himself would be decapitated—previous to this he had declared that the English who came to Canton were "a detestation of the Chinese and the scorn of the whole world—that they should not take away a drop of dew from the tea leaf, nor the down from a thread of silk." Canton was exceedingly dull in consequence of this procedure of the English, who appeared determined to resist the absurd laws of the empire as to cases of this nature.

West Indies. The crews of two English vessels, captured by Spanish privateers and sent to Porto Rico, have been given up on the demand of the captain of the British sloop of war *Esk*.

A Bermuda paper of the 4th of May says—"The Falmouth, captain Purcell, was lately ordered to call at Porto Bello, on the Spanish Main, to notify the commandant of marine, that the English admiral will not admit of any port on the Main, in possession of the Colombians, being in a state of blockade, unless there be two regular men of war stationed off such port to enforce the same; and that the Spanish privateers capturing any English vessel, in violation of this intimation, will be declared pirates, and dealt with accordingly."

The British islands, generally, are suffering great agricultural and commercial distress, and are sending additional petitions to the king for relief. They want an open trade with the United States.

Haiti. This island is all quiet. The troops are in the highest state of discipline, and the people appear to be devoted to their chief, president Boyer. The national guard, at Cape Haytien, was lately reviewed by him, and 6,000 were on the field.

Cuba. A party of soldiers have demolished a printing-office at Havana, and abused the editor and his workmen, for publishing some strictures on the conduct of the captain general. A remonstrance, to the Spanish cortes, against the wanton abuse of power, was drawn up the next day and signed by more than 3000 inhabitants. "All is conjecture as to what will be the termination of this affair; but we are in daily expectation of a revolution in the government of the island."

Brazil. Flour was selling at St. Salvador at 37 dollars per barrel—many bakers had stopped business in consequence.

Colombia. It is stated in a letter, dated Paris, April 10th, that Mr Zela, the Colombian minister there, had, the day preceding, delivered a diplomatic note to the ambassadors of the different European powers at this court, demanding the recognition of the independence of Colombia. It is extremely well written and the language said to be bold and firm.

Morales still maintains the cause of Spain—but Porto Cabello must soon fall, and, with it, the last shew of royalty in the republic; which is daily increasing in strength and rapidly advancing to prosperity—promising to become, from its local condition and natural advantages, of great importance in the scale of nations.

Buenos Ayres. The "*Aurora*" informs us that—"On the 14th of January, commissioners from the provinces of Buenos Ayres, Santa Fe, Entre Rios, and Corrientes, met at the city of Santa Fe, duly authorized—one from each of those states; and on the 25th concluded a solemn treaty. The stipulations are couched in seventeen articles, by which they bind themselves to make common cause against external or internal foes; and afford each other mutual succor of all kinds. The 8th article provides for the complete freedom of maritime

commerce in national vessels, without paying duties or suffering delays at any port of the contracting parties, &c. except so far as may be necessary to examine ships' papers in prevention or detection of contraband.

By article 13 it is agreed that, in consequence of the losses and expenditures of protracted warfare, foreign and civil, it is inexpedient to form a general congress for the present; and Santa Fe is to withdraw the deputy from this partial congress at Cordova. But article 14 provides, that when one state thinks the proper occasion presents itself for installing a congress, it shall consult with and invite the others.

Buenos Ayres, herself, appears to proceed prosperously. Her papers discuss freely the most important subjects, and in a republican spirit. She has just built an edifice for a representative hall, under the direction of D. Prospero Catelino. Its foundations are laid precisely on the same spot whereon were reared the *dungeons of Ouzo* in 1780, in which the most unbridled tyranny was exercised against those accused of promoting the independence of Peru—over those disgraceful remembrances, in 1822 and succeeding years, the consolatory voice of liberty and justice will resound."

The Paraguayans have seized on the person of the celebrated botanist Bonpland, out of jealousy, lest he should diffuse the cultivation of the famous Paraguay shrub, *matte*, which forms a lucrative article of export.

Flour at Buenos Ayres, has sold for \$20 per barrel. The produce of the country was also very high.

Chili. A decree was issued on the 27th January last, absolutely prohibiting the export of wheat, flour and bread from the territories of the republic during the present year, on account of the shortness of the crops. The effect of this may be estimated from the fact, that Chili was considered as the granary of Peru.

Peru. The state of this country is improving. The royal power is not yet entirely subjected, but its efforts cannot avail any thing. The patriot government has fitted out a small fleet of 5 vessels. The Constellation frigate lately visited Molendo.

Mexico. It is stated that a very extraordinary discovery was a few years since made in Guatemala, of the ruins of an extensive city, which had for ages been covered with herbage and underwood. It has since been accurately surveyed by a learned Spaniard, and drawings made of its curiosities.—The originals of them have arrived in London, and will soon be presented to the world.

They have it reported at Havana, that Mexico is for a re union with the mother country; yet Spanish troops are shipped off from the latter to the former, from whence they are sent to Spain.

Later—London papers to the 24th inst.

The distressing intelligence is received that the packet ship Albion, of New York, for Liverpool, with a number of passengers, a valuable cargo and a large quantity of specie on board, has been totally lost near the Old Head at Kinsale, when the whole perished except one passenger, one of the mates and six of the crew! There were about 22 cabin passengers, 7 of whom were ladies, and 6 in the steerage, the crew consisted of 24 men, so about 44 persons lost their lives!—among whom

was count Lefebvre Desnottes. The vessel went to pieces on the rocks—some cotton, &c. had floated ashore. The people on the coast appear to have rendered every assistance in their power. We have not room for further particulars now.

Nothing important had yet been transacted in parliament—the present rumors are favorable to an adjustment of the disputes between Russia and Turkey, through the efforts of Great Britain and Austria. The great naval victory said to have been obtained by the Greeks, as mentioned above, is thought not to have been! Many arrests are taking place in different parts of France—the London Morning Chronicle has been seized at all the public places in Paris, and government seemed to be much alarmed at a patriotic song addressed to the corps of soldiers stationed near the Pyrenees.

CHRONICLE.

Naval. The frigate which is nearly built at Philadelphia, is to be called the *Susquehanna*.—The keel of a ship that may carry 140 guns, it is said, is about to be laid there. The former is covered with a house as the latter will be, and it is understood that neither of them will be speedily launched, unless the relations of our country should be materially changed. This is believed to be the best way of preserving vessels.

The North Carolina 74, a noble vessel, has left her anchorage at the navy yard, Philadelphia, and is waiting for a high tide to cross the bar at Fort Mifflin, for Chester, where she is to be fitted out.

Capt Spence is appointed to the Cyane of 24 guns, capt. Renshaw to the John Adams of 24 guns, and capt. Carson to the Peacock of 18—all fitting out to cruise in the West India seas.

The Macedonian frigate was lately at Havana—the Alligator has just returned from a cruise off the coast of Cuba, and the Grampus and some other vessels are engaged in the same service. Our government seems determined to suppress piracy, if possible to do it.

A seal, weighing 126½ pounds, has lately been caught in Gunpowder Falls, Harford county, Maryland, at the head of tide water.

Fire. A great fire raged in the woods between Albany and Schenectady, a few days past—and some houses were burnt down by it.

Riot. A parcel of Irish laborers employed in the navy yard at Charlestown, lately attempted to rescue some property of one of their fellows out of the hands of the sheriff. The affray was a severe one—but "club law" did not prevail. Capt. Hull exposed himself considerably to quell the riot.

Appalachicola. The brig William and Jane, the first square rigged vessel that ever arrived at or sailed from this port, has arrived at New York, with 266 bales of cotton, the product of the first seed ever planted in the neighborhood, which has succeeded beyond expectation.

New-Orleans. In consequence of the rise of the rivers, 127,958 bales of cotton arrived at New-Orleans in six weeks, ending April 29, viz. 95,371 Louisianas, 9,128 Alabamas, 23,459 Tennessees. It appears that about 10,000 more bales of cotton were exported from New-Orleans in 7 months ending with April 1822, than in the same time in 1821—the greater quantity being 90,039 bales.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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SOUTHERN REPUBLICS. The note of M. Zea, the Colombian minister at Paris, to the ambassadors from the different European courts, and the proceedings lately had in London, [see foreign news] would seem to induce a belief that our policy is to follow up the act of recognition by the speedy appointment of ministers to the new republics of the south, that we may gain certain advantages in the trade and commerce of the people with whom, on every account, we ought to have the best understanding.

WHEAT—several parcels have been received at New-York, from Liverpool, and sold at a profit—we suppose it was *banded* grain, of which the quantity on hand, in England, was enormous. The British agents in the United States insist upon it that any regulation of trade, which affects British goods, must be injurious to us—but their government compels them, when at home, to purchase even the “staff of life” at a much higher rate than foreigners would furnish it at; so their notions, like their calicoes, are for *exportation*.

DR. ERICH BOLLMAN, well known as the companion of our countryman *Huger*, in his attempt to rescue *La Fayette* from the dungeons of Olmutz, died at Jamaica on the 9th of December last. He was the writer of several able pieces on political economy—a man of a strong mind and adventurous spirit.

“THE PIONEERS” OF THE SUSQUEHANNAH, a new novel by the author of “the Spy,” is just about to be published at New York. “The Spy” has passed through its third edition. “Who reads an American book?”

BRACEBRIDGE HALL, or a collection of tales by our countryman Irving, has recently appeared in two volumes small 8vo. and is selling in boards at five dollars per copy. The price, compared with the quantity of matter contained in the work, is more exorbitant than that of any book ever published in the United States, and much complained of by the friends of American literature. Much more money would have been made out of it, if its price had been fixed at two dollars.

DOMESTIC MANUFACTURES are prosperous. The legislation of necessity and the balance of trade against us shewn by the rate of exchange, has given to several branches of business a large portion of that spirit which Mr. Baldwin's projected tariff was designed to afford. The Waltham company, and a manufacturing company at Hartford, Conn. have lately, respectively, divided at the rate of 25 and 17 per cent. per ann. on their capitals, leaving handsome surplusses. The establishments for spinning and weaving cotton, are doing well enough, just now. It is supposed that 4000 looms are employed at Philadelphia, and perhaps there are 1000 or 1500 in Baltimore. The woollen manufacturers are looking up—great improvements are making in the quality of their cloth, and many tens of thousands of persons are now wholly clothed in domestic products, except, perhaps, their neck-cloths; for as yet the manufacture of fine muslins has not made much progress. Many farmers have more

than 1000 head of sheep—some from 3 to 4000, who make it their business to raise wool. The cultivation of flax is extending rapidly, and some other things must be deemed prosperous; but the *iron* business, the sinew of the whole, and so directly needful to the independence of the country, is still in a languishing condition and imperiously demands the protection of the government, which is also necessary for other articles of great interest to the country.

In Oneida county, New York, there are eleven cotton factories, in which 3670 spindles are constantly running—they are capable of containing 25000 and will very soon have that number, new ones being in preparation. There are also three extensive woollen manufactories in this county, and many other manufacturing establishments—among them one of *water color paints*, said to be of the very best quality, but the maker yet finds it his interest to send them forth as *English*. We have had occasion to complain of British counterfeits—but justice requires us to say that we too “*come yan-kee over*” them. All of us are much the creatures of prejudice—opinion is too often fixed by custom, and *real merit* made to give way to *reputable names*. Our coarse cottons are better than the British—so they imitate them and impose their flimsy fabrics on the ignorant; other articles will not *sell* in the United States, unless marked as foreign, though of superior quality—and so our manufacturers mark them. When will the people be fully convinced of the force of *responsibility*? The British manufactures, in general, for home-consumption, are as different from those put together for exportation, as Waltham shirtings are from the thin muslins of India. The foreign manufacturer, sending goods to the U. States and selling on his own account, as millions of dollars worth are every year, feels no sort of obligation to make them substantially—he has only to please the eye and “catch the natives;” but when we know an artist or manufacturer personally, or have him within striking distance, he is obligated to himself to obtain or preserve a reputation for his products.

EMIGRATION. A considerable number of persons are just now arriving in the United States from Europe. During the month of May, 632 passengers reached New-York from foreign ports—about sixty farmers and their families came in one vessel, proposing to settle in the state of Ohio. The *Dumfries Courier* mentions the departure of two vessels for America, with 263 emigrants—one of whom had a bag that contained 1200*l.* in gold, and many others could muster considerable sums.

“THE WEEKLY REGISTER.” A paper under this title has appeared in Upper Canada—a little different, perhaps, from *this* work, in the nature of its contents.

CHAIN CABLES. In a late storm at the Texel, it appears that every chain cable parted, and that most of the vessels which had no others to depend upon, went ashore: but those which had hemp cables were generally saved—so says the report. If true, we suspect that the chain cables were made out of the half wrought and brittle British iron.

BRITISH FUNDS. A new description of the British funds is again going "the rounds" in the papers, which was published in this work more than ten years ago. See REGISTER of Dec 14, 1811.

STEAM BOAT CONTROVERSIES. A law of the state of New York grants exclusive privileges to certain persons, their heirs and assigns, to navigate the waters thereof by steam-boats, for some limited time. Under this law, those interested have attempted to prevent the arrival of such vessels at New York, if owned in New Jersey and navigated without their authority, though they freely used the waters of the latter for their own purposes. New Jersey passed a retaliatory law, and the matter is in litigation.—Ohio has also prohibited the landing of goods or passengers from vessels passing on lake Erie under this grant, and Connecticut has just enacted a law that will effectually stop all intercourse between that state and New York, by means of steam boats, unless the monopoly is given up. Surely, other states may as well prevent the arrival of such boats from New York, as New York can prohibit arrivals at her ports. The rights of the states, in a matter of this nature, must be equal: but such jarrings are very disadvantageous to all parties.

Gov. Wolcott, of Connecticut, put his veto on the bill which had passed both houses, as being unconstitutional in its principle, no matter by what state enacted—but the legislature, under the spirit of the *lex talionis*, passed it without his consent, by an overwhelming majority.

COAL. "The Susquehanna Democrat" says that two hundred tons of Wyoming coal, from Luzerne county, Pennsylvania, have been sent down the Susquehanna river to Baltimore, during the present season.

LEAD. There is a prospect that an immense quantity of lead will soon descend the Mississippi, in consequence of an agreement lately made by which the mines belonging to the United States will be worked: they are, under certain regulations, to be leased to individuals, and will probably yield a handsome revenue. The country about the river La Feivre, which empties into the Mississippi 75 miles below Prairie du Chien, so much abounds with this metal, that, with a simple hoe, or the use of an old bayonet fixed to a stick, great quantities of it may be obtained. One individual, during the last season, is said to have smelted 7 or 800,000 pounds. It seems not unlikely that these mines may supply the world, as it were, with lead—for we believe there is no other place whereat the metal is so abundant, so pure, and so accessible, as on the Mississippi.

CONSTITUTIONAL. The supreme court of Missouri have confirmed the decision given in a circuit court of the state by judge Todd, that the valuation or replevin law, passed by the legislature in stay of execution, is unconstitutional as violating the provisions of the United States constitution.—"1. That nothing but gold and silver coin shall be a tender in payment of debts. 2. That justice shall be administered without sale, denial or delay. 3. That no law shall be passed impairing the obligation of contracts, or retrospective in its operation." We observe also that the expressions of public opinion are in favor of the correctness of this judgment. At a public meeting of one of the counties, both the relief law, and the loan office bill were denounced as demoralizing, impolitic and

unconstitutional; and it was resolved not to support any candidate who was in favor of those measures.

A "Topographical and Statistical Manual of the state of New York—the second edition, with an account of the grand canals, schools, finances, &c." by Mr. Sterling Goodenow, has just been published.—We had the pleasure to notice the first edition of this work ten or eleven years ago: the present is much enlarged and highly improved, and contains a large stock of highly important information in a very small space. It is a work of severe drudgery; and we have rarely met with any thing that better deserves the public support for its liberal contributions of knowledge. We trust that its success may induce other competent persons in other states to follow the example of Mr. Goodenow. Publications of this sort not only improve the public mind but increase the public power—for knowledge is power.

We are indebted to this manual for the information, that during the year 1820, the great amount of 10,045,804 yards of woollen, linen or cotton cloth—or 7½ yards for each person, was manufactured in the families of the state. Besides which there were 184 cotton and woollen manufactories, 991 fulling mills, 1233 carding machines, &c.

CUBA. Mahy, capt. gen. of this island, has thought fit to issue his "manifesto" declaring that every province in Cuba is in a state of the greatest tranquility, "respecting and obeying the constitutional laws of the Spanish monarchy," and will therein continue "so long as they are convinced that no other government is better calculated for them," &c.

The reason of this proceeding is, that Mr. Mahy had understood that there had been inserted in a certain newspaper of the United States, a letter setting forth that the island was in a state anarchy.

It appears that the Spanish authorities at Havana, are really using the best means they possess for the suppression of piracy—but it is winked at, if not encouraged, by persons in power in many other places.

BARBARISM. A man, resident near Norfolk, Va. recently assassinated another, in the belief, inculcated by a fortune-teller, that the latter had bewitched or "tricked" his wife.—And certain persons were lately prosecuted and fined in England, on the charge of attempting to leave the country and carry on their work in a foreign land.

In the present state of society, there is about as much right and discretion in one of these things as in the other. The character of both belongs to the "dark ages."

NAMES. The *offs* of Russia, *skys* of Poland, &c. as terminations of the names of persons, appear singular to the American ear; yet our *ons* cannot be less so to the people of those countries. The subject is thus happily hit *off* in the "Newburyport Herald."

"If we may judge from the formidable list of witnesses summoned up by Mr. Poletica in defence of the claims of Russia on the North West Coast, the contest between that power and our government will not be speedily settled. *Techine-off*, *Choldli-off*, *Serehronic-off*, *Krassilui-off*, and *Payc-off*, are a few of the authorities by which he hopes to urge us *off* and warn us *off* from our settlements on that part of the continent; and if these fail, no

doubt his august master will send some old Plat-off to drive us off, force us off, and Kutus-off. These will, no doubt, be met by the administration at Washington, who will summon president Jefferson and Madison, ambassador Middleton, secretary Thompson, judges Livingston and Johnson, and reporter Wheaton, to establish their pretension; and should these fail, the last resort will be had to gen. Jackson, who will, no doubt, dash on towards Columbia river and take off the heads of all the offs that can be sent to oppose him.

A VERY GOOD AND GOOD HONORED HIT. The editors of the "National Intelligencer," with reference to some remarks that recently appeared in this paper, had the following article—

"The worthy editor of 'Niles' Weekly Register,' has got into 'Freedom's chair' again, or rather is getting into it. He was some days at Washington towards the close of the late session of congress, watching not only the proceedings, but the 'countenances' of the members. In good truth, when we saw the honest face of our good friend in the lobby of the house of representatives, we could not help thinking to ourselves,

"A chief's among you taking notes,
"And faith he'll print 'em."

Now, the editors may be assured that I visited Washington for the purpose of seeing and hearing—and with the express view of obtaining a knowledge of the manner and meaning of public men and affairs, that I might be able to speak of them, when necessary.

Mr. JEFFERSON. The famous story of "Carter's Mountain" has been so often repeated to affect the character of Mr. Jefferson, when governor of Virginia during the revolution, that hundreds and thousands have believed that he was not possessed of ordinary courage—because, forsooth, he did not think it prudent to oppose his single arm, to a considerable force of British troops. The right of the story was well understood by those who first put it afloat—but the morality of electioneering excused them, we suppose, in making that an act of cowardice in him for doing that which every body would have accounted him a madman, or a traitor, not to have done.

Judge Johnson's life of general Greene, lately published, contains several letters written by Mr. Jefferson, while governor of Virginia, in 1781. It appears that every requisition made upon him was complied with, promptly and fearlessly—that he assumed the highest responsibilities and acted with a degree of energy beyond the law, to relieve the public necessities. Judge Johnson well remarks, that his popularity was greatly affected "by charges of having done too much."

The character of the heroes and statesmen of the revolution is a national concern. We would not willingly exalt them above their deserts, or sacrifice truth even to the pride of country—but surely, it is always delightful to notice the relief of a revolutionary worthy from any and every species of obloquy, which party malice or mistaken views may have cast upon him.

HARTFORD CONVENTION. At a caucus lately held at Boston, Harrison Gray Otis, esquire, is said thus to have expressed his opinion of this convention: "Never, unless I shall be admitted by the Maker of the universe, to the society of just men made perfect, shall I meet with any assembly comprising so much private worth and such elevated patriotism as the HARTFORD CONVENTION!"

THE NAVY. The following is published as the comparative force (as to the number of vessels and guns), of the navy of the United States, in 1801 and 1822. Many of the vessels, however, that belonged to the service at the former period were not regularly built ships of war, but purchased and fitted for the time being; and the present force is, perhaps, really twice as powerful as that of 1801.

Vessels in 1801.		Vessels in 1822.	
5 of 44 guns	220	7 of 74 guns	518
4 of 36 guns	144	4 of 44 guns	176
2 of 32 guns	64	3 of 36 guns	108
1 of 28 guns	28	1 of 30 guns	30
3 of 26 guns	78	2 of 24 guns	48
6 of 24 guns	144	4 of 18 guns	72
2 of 22 guns	44	2 of 12 guns	24
4 of 18 guns	72	5 of 12 guns	60
2 of 16 guns	32	1 of 6 guns	6
1 of 15 guns	15	1 of 1 gun	1
1 of 14 guns	14	6 gun boats	6
3 of 12 guns	36	Vessels 36—guns 1049	
Vessels 54—guns 891			

SUNDAY SCHOOLS. A meeting of the Sunday and Adult School Union of Philadelphia, was lately held in that city. The report of the managers was read by the Rev. Dr. Staughton. The following is extracted from the recollections of the proceedings, published in the Democratic Press:

"In the United States, the managers are able to present but a partial view of the schools not in connection with the Union. In Boston they know of 16 schools and 1500 learners. In New York 90 schools, 1,100 teachers and 8,000 learners. In Baltimore, 40 schools, 436 teachers, 2,825 learners. The influence of Sunday Schools is extending among the children of the aborigines, of whom there are 508 at school. There have been added to the Sunday and Adult School Union, since the last year, 89 schools, 473 teachers, and 7,079 learners. The whole number now in communion with this Union are 402 schools, 4,197 teachers and 31,297 learners. Of these 226 schools are in Pennsylvania. In Philadelphia there are in connection with the Union 72 schools, 754 teachers and 7,090 learners. Unconnected with the Union, 18 schools, 190 teachers and 1,368 learners. Total in Philadelphia, 90 schools, 944 teachers and 8,458 learners. The number of books published by the society has been very considerable. Some idea of them may be formed from the fact, that, during the last year, they have published 500,000 red and blue tickets.

Expedition to the Rocky Mountains. A company of 180 adventurers are stated to have left St. Charles, Missouri, on the 10th of April, for the Rocky Mountains. They are described to be of vigorous and masculine appearance, well armed and prepared for a three years' tour through this almost unknown and savage country. This expedition, it is added, can be truly said to be composed of the yeomanry of Missouri, who have embarked in an enterprize, which, if they are successful, will not only be very profitable to themselves, but a great national benefit, in laying the foundation for an extensive fur trade, and proving to the effeminate sons who remain at home, that activity is the true source of wealth and greatness. It is their intention to pass over to the Columbia, and from thence to the ocean. Trapping and hunting furs is their principal object, which the experience of those who have heretofore engaged in this business on a small scale, has proved to be lucrative.

[N. Y. Com. Adc.]

RUSSIA. As Russia is now performing the first part in the political drama of Europe, the following statement may be acceptable, as it shows how she is principally benefited by the partition of territories at the congress of Vienna. That the reader may have a distinct idea of the comparatively increase of territory acquired by the arrangements, we subjoin the following table, from an interesting work entitled "La France et les Francaise, et 1817." Par C. L. Le Sur. Paris, 1817," showing the extent and population of the great states before the French revolution, and after the congress.

	Extent of territory acquired in 1789—in 1817.		Population in 1789—in 1817.	
	<i>German square miles.</i>			
Russia in Europe	60,000	75,000	27,000,000	41,000,000
Austria	11,800	14,100	22,000,000	27,000,000
Prussia	3,600	4,900	6,000,000	10,500,000
Netherlands	625	1,000	2,700,000	4,800,000
	<i>Square leagues.</i>			
France	27,490	27,490	25,000,000	28,814,041

Austria, Prussia and Netherlands obtained only 5,069 German square miles, and Russia 15,000. The population of Russia must be increasing more than a million per annum.—*Wash. Gaz.*

FOREIGN NEWS.

Great Britain, &c. The ladies of England are about to erect a grand colossal bronze statue, in compliment to the duke of Wellington. The material of this largest work of the kind ever known, has been chiefly supplied from the cannon taken in victories of the duke. It is to be erected in Hyde Park.

A meeting has been held in London of the merchants and ship owners, and a petition to government adopted, praying that ships belonging to the republics of Colombia, Buenos Ayres, Chili, &c. (when coming direct from their respective countries, and laden with the produce thereof), may be admitted in the same manner as the ships of the United States and Brazil.

The British government, having taken the matter into serious consideration, have agreed to admit the ships and vessels of the new republics, as requested in the petition above alluded to.

It is strongly reported that the British government has permitted the silly king of Naples to recruit soldiers in *Ireland* to defend his "sacred person and family" against his own loving subjects! It is hardly possible, we should suppose, that this report can be true.

The King George the Fourth, of 120 guns, is speedily to be launched at Chatham. This fine ship is built with a round stern, and said to be the handsomest ship of the line in the navy.

The British ship of war *Confiance*, with all her officers and crew, about one hundred and thirty men, has been lost near the spot at which the packet ship *Albion*, of New-York, was lately wrecked! Several other vessels have also been recently lost on the Irish coast—and, generally, their whole crews have perished.

On the 10th of April, there were only 37 members of the house of commons present to do business!

The synod of Ayr has petitioned parliament not to entertain the proposition to admit catholic peers to seats in the house of lords—a splendid evidence of christian liberty!

Sir William Congreve's *inimitable* stamp, to prevent the forgery of bank notes, has been imitated, as was predicted by our countryman, Perkins.

There was so great a fog in Palmer parish, that a poor man wandered round and round his house for two whole nights and nearly two days, without

being able to find it, and nearly perished with fatigue and hunger—so says a London paper.

Sir Gregor M'Gregor boasts of a grant of the Poyais territory, from the king of the Musquito Shore—calls himself his highness the cazique, and has opened a land office in Edinburgh, for the sale of lots (in the moon) at a shilling an acre.

Mad. Christophe, ci-devant queen of Hayti, resides at Blackheath, and is reported to have saved enough from the wreck of her husband's affairs to afford her 1500*l.* a year.

The London Times has paid the enormous sum of 300,587*l.* 6*s.* to the British government for stamps and advertisement duty, in the last seven years—or about 190,000 dollars a year! In 1820, in consequence of the extra quantity of papers printed by reason of the queen's trial, the stamps used by this paper cost upwards of 55,000 pounds, 245,000 dollars.

A person was fined two guineas by the police court of Edinburgh, for taking a newspaper from a coffee-room.

Thirty-two men received sentence of death in Ireland, on the testimony of a single witness, a female. One of them addressed the judge, and, in bitter terms, complained of the proceeding.

It is stated that, in the county of Clare, in Ireland, 150,000 persons are more or less in a state of suffering for want of food. In the Cork Southern Reporter it is said, that "a family consisting of five persons, having no means of getting a morsel to eat, locked themselves up in a room, determined to suffer under the pangs hunger sooner than go out to beg; one of them, a young girl, not able to endure with the rest, rushed into the street, and from a stand snatched a piece of raw bacon, which she eat greedily before the owner. The house was searched, and four of the family were found to have perished."

Tonnage of Great Britain. In 1819 there were 25,483 vessels, 2,696,396 tons, 174,578 men; in 1820 there 25,374 vessels, 2,648,593 tons, 174,414 men; in 1831 there were 25,036 vessels, 2,560,202 tons, and 169,179 men; being a decrease in two years of 446 vessels, 106,194 tons, employing 6,199 men.

France. Two tri-colored flags have been found in Paris—at which some persons appeared to be very much alarmed! What must be the state of a society, in which the mere arrangement of "bits of bunting" gives a shock to the government?

It is reported that serious difficulties exist between France and Spain—the latter is dissatisfied that the former maintains so strong an army on the Spanish frontier, and demands the reason of it.

Though the press is so completely muzzled in France, we now and then learn something of the state of the country, as to its political condition.—The duke de Fitzjames, in an address to the inhabitants of the department of Oise, says, "not a night passes in which there is not some fresh conflagration—whole villages even have become a prey to the flames." The agents in these outrages are "invisible," and the people are exhorted to vigilance and loyalty. "The most illustrious names," says the duke, "are not respected, and the most atrocious absurdities are resorted to to excite the passions of the people against the king and government."

It is stated in a London paper, that the French government has sent an urgent remonstrance to Austria against the removal of her troops from Italy, which has been much spoken of as their retirement would surely be attended with an explosion in France. In the chamber of deputies the "im-

perial government" is frequently alluded to in terms of the brightest approbation.

It is supposed that there are 20,000 English now residing at Paris.

Spain. An English paper states that *one half* of the soil of Spain, the most fertile and productive lands in the country, are now on sale. This immense property, valued at 100 millions of dollars, belonged to the inquisition, monks, privileged order and clergy. When this property is distributed, there is reason to believe that the condition of Spain must be materially altered for the better. The fact shews the extent to which the people were priest-ridden and oppressed.

Russia. A great number of Poles who followed Bonaparte to Moscow, being captured by the Russians, were sent for the remotest provinces of Siberia. Many of them died by the fatigue of the journey, and those who arrived were subjected to the greatest hardships and sufferings that human nature could bear. The case of these men has, at last, been brought before the emperor, and he has directed the restoration of those who remain to their country and families.

The finances of Russia are reported to be in a very deranged state, and as furnishing a principal cause of delay in making war on Turkey.

Turkey. Constantinople is represented as subject to the lawless control of the Janissaries, who had just put their Aga to death and were murdering all the Christians which they met in the streets, and robbing whom they pleased. The Turkish government is fortifying the capital with great apparent haste.

We have a horrible picture of the state of Jassy. The Turks had destroyed nearly 600 houses by fire; the streets were filled with dead horses, half putrified. The only persons to be seen are wretched gypsies. The Christians have been chiefly destroyed or carried into slavery—the land is now where tillage in Moldavia, and misery reigns over the province.

Savage as he was, it appears that the death of Ali Pacha is regretted by the people of Janina, &c. His successor, Omar bey Brioni, is more cruel and relentless than he was—a bigotted follower of Mahomet, and an implacable enemy of the Christian name.

The latest accounts from Constantinople are dated March 27—but they give nothing more than mere rumors as to the state of affairs with Russia. The matters in dispute between Turkey and Persia appear to be adjusted. The Paris papers exhibit several projects for the partition of Turkey, allowing, however, the establishment of a Greek government, with Constantinople for its capital.

The report of an insurrection of the people of the Ionian islands is repeated, and there is some reason to hope that their horrible oppressors have been expelled. So much have this people been abused, that they would almost stand justified in casting every British officer that they can lay their hands upon, into the sea. Though they have been declared as guilty of piracy for succoring the Greeks, it appears that the Turks were always kindly received by the British authorities. Their fleets had been refitted at Zante.

Africa. In Sierra Leone journals of January, it is mentioned that a prince of the Toulahas, accompanied by a Mahomedan priest and his wife, had arrived at that settlement, on an embassy from Al-mamy Abdel Kader, king of the Toulahas. It is further said, that this nation is situate only a few days journey from the Niger, that the prince passed

through Tumbuctoo, and that he considers the Nile and Niger to be identical.

Cape of Good Hope. The wheat crop has failed, and the port is opened for the introduction of grain for the space of ten months.

New Holland. The British government does not intend to send any more convicts to Botany Bay, the state of that settlement having become so very civilized that numbers of the free settlers are removing thither, in preference to North America and the Cape of Good Hope. It is reported that convicts will in future be sent to New Zealand.

West Indies. A general rising of the negroes at Guadaloupe appears to have been planned, and some strong measures were pursued in consequence.

The British frigate *L'Africaine* has been wrecked on the Isle of Sable—crew saved. This vessel, during her late cruise in the West Indies, had lost 78 men.

Colombia. The *Courier Francais*, of the 17th April, contains the note of M. Zea, presented to the minister for foreign affairs, and to the foreign ambassadors, requiring the recognition of the republic of Colombia. This document is extremely long. The following is an extract:

The intentions of this government are as follows:

1. That the government of Colombia recognizes all existing governments, whatever may be their origin and their form.

2. That it will not communicate with governments which do not on their side recognize the government of Colombia.

3. That all commerce, access, abode, in the ports and territory of Colombia, are open and ensured with full liberty, safety, tolerance, and reciprocity, to all nations whose governments shall recognize that of Colombia.

4. That those same ports and territory are, and shall remain closed against the subjects of those states which shall not recognize that of Colombia.

5. That delays shall be established for admission to the ports and territory of Colombia, proportioned to the delay which the proposed recognition shall experience.

6. That measures will be taken by the government of Colombia to prohibit all merchandise coming from the countries the governments of which refuse or delay to recognize it, &c.

Paris, April 8, 1822.

☞ We have accounts of the entire defeat and complete rout of *Morales* at Coro. His army is said to have been entirely destroyed, and that he, himself, escaped singly to the mountains. Porto Cavello yet remains possessed by the royalists, who are blockaded by land and sea.

Buenos Ayres. A cargo of flour, 2600 barrels, has been sold at this city for twenty-six dollars per barrel. In consequence of the recent difficulties experienced by foreign vessels to retain their crews, in the port of Buenos Ayres, and to prevent their desertion, the American consul, Mr. Forbes, had effected the passage of some valuable port regulations, which would secure the captains their crews, and at the same time check the improper conduct of foreign seamen, which had on many occasions occurred.

Peru. The protector, San Martin, has an imposing force under his command, yet the royal authority is not extinguished in all parts of Peru. It appears that a col. Hoyos had hoisted the standard of independence at Potosi, but was defeated by a royal chief named Maroto, and he himself, with

many of his officers and soldiers, put to death or otherwise punished.

Mexico. We have not any satisfactory accounts from this country—the shreds of news received are unfavorable to the cause of liberty. The acting government is monarchical and intolerant. Gen. Long was shot by a soldier as he was entering a public office, to settle his claims against the government—the why or wherefore is a mystery.

Constitution of Colombia.

FROM THE FEDERAL REPUBLICAN.

Our copy is one of an edition printed upon 40 pages, by order, and at the expense of government, for the supply of persons in office, and to be sold to individuals. An act of congress prohibits, under severe penalties, any individual from printing it.

It declares that the sovereignty resides essentially in the people. Its territory consists of the former vice royalty of New Grenada and captaincy general of Venezuela. Its government is popular and representative. The territory is to be divided into departments, and subdivided into provinces, cantons and parishes. The powers of government are legislative, executive and judicial. Every parish holds a meeting once in four years, to vote for one or more electors of the canton. The voter's qualification requires property to the amount of \$100, or exercising an office or useful calling, but not as a journeyman or servant. The cantons have one elector for every 4,000 inhabitants, and one also for a fraction amounting to 3,000. Each is entitled to at least one elector. Electors must know how to read and write, be above 25 years old, hold property to the value of \$500, an annual income of \$300, profess some science, or be possessed of a scientific degree. The electoral assemblies of each province shall meet once in four years, and choose a president, vice president, senators of departments, and representatives of provinces. The legislature shall consist of two houses, senate and house of representatives: the former cannot originate, but may amend money bills. Laws must be signed by the executive before they shall have force. When he declines approving, he must return the bill, with his objections, to the house in which it originated; and, if it shall be approved, upon reconsideration, by two thirds of each house, the executive shall sign it. But, if the bill shall not be returned within ten days, it shall have the force of a law. The powers of the legislature are, generally, similar to those of our congress; but we remark, that among them is enumerated that of "requiring the executive to negotiate for peace," and of sanctioning all treaties, of what kind soever, formed by the executive. The sessions are to be annual. Two thirds of the members present are necessary for an adjournment, provided they consist of two thirds of a majority of the whole. Each house has the power of punishing contempts. The members are not bound by any instructions, but the objects desired are to be brought forward by petition from the people. They shall meet annually, and cannot sit longer than 120 days.

Two thirds of all the votes are necessary for the election of a president and vice president. In case no one has such a majority, he shall be chosen from the three highest candidates, by the congress; or if neither has the requisite majority, the next choice shall be from the two highest. The session is permanent until he is chosen. Senators are chosen by a majority; but where they have it not, they are to be chosen by congress in a similar man-

ner. In case of a tie, the choice shall be determined by lot.

Each province shall have one representative for every thirty thousand souls, and another for every fraction amounting to fifteen thousand; but every province shall have at least one representative. The same proportion shall prevail, till the numbers amount to one hundred, after which it shall be averaged so as not to vary the number of members, until the rate of representation is 40,000, after which it shall remain at that rate till the number of members amounts to 150, when it shall stop again, until, by the increase of population, the rate is one member for 50,000 souls. The principal qualifications are two years' residence, and property to the value of two thousand dollars or an income of 500, or being a professor of some science. Natives of foreign countries must have eight years' residence, and be worth ten thousand dollars in property; but natives of those parts of America which depended upon Spain in the year 1810, and have not been otherwise naturalized, are qualified, in this respect, after four years' residence. The house has the power of impeachment before the senate. The members are elected for four years.

Each department has four senators, who hold their office for eight years, but they are classed in such manner, that half go out every four years. A senator must be thirty years old, have three years' residence, possess property to the amount of four thousand dollars, or an income of one thousand, or be a professor of some science. Natives of foreign countries are required to have a residence of ten years, but Spanish Americans only six.

The president must be a native, and have the qualifications of a senator. He is elected for four years and cannot be re-elected but once, without intermission. The president and vice presidents' salaries cannot be altered during their official period. His powers are nearly similar to those of the president of the United States, but in the approval of treaties the whole congress are in the place of our senate. He appoints to office, with the concurrence of the senate, and has only the power of suspending from office, for causes he must assign to the courts of justice, who are to pass upon the accusation. He may cause an individual to be arrested, but he must send him within forty-eight hours to the judiciary. He may commute the punishment of capital offences, with the concurrence of the judges having cognizance of the offence. In case of commotion, congress may authorize him to use discretionary authority, in the times and places where it is indispensable. If they be not in session, he shall immediately convoke them, and, in the mean time, exercise that authority without them. He has an immunity against criminal accusations during his office, except on impeachment. He cannot leave the country, nor for a year after his office ceases, without the consent of congress.

The COUNCIL OF GOVERNMENT shall consist of the vice president, one minister of the high court of justice, and the secretaries of state; but he is not bound by their opinion. They must keep a journal and annually transmit a copy of it to the senate, except such parts as require secrecy. There are five secretaries of state, viz. for foreign affairs, for the interior, for the treasury, for the navy and war. No order of the president can be executed unless it is authorized by the proper secretary.

The high court of justice shall consist of at least five members, who must be advocates, and 30

years old. Three are nominated by the president of the republic to the house of representatives, who strike out one, and send the remaining two names to the senate, who strike out another. They hold their office during good behaviour, and receive a fixed salary. The high court has cognizance of causes affecting ambassadors, ministers, consuls, and diplomatic agents; controversies arising from treaties and the negotiations of the executive, &c. Congress may establish other courts, superior and inferior; the judges of the former to be appointed and hold their offices in like manner as the judges of the high court.

Congress shall divide the territory into six or more departments, over each of which an *intendant* shall preside, who shall be the organ of and subject to the president. Every province shall have a governor, in like manner subordinate to the intendant.

Very prudent regulations are laid down in the nature of a bill of rights. The liberty of the press is established in the same manner as we enjoy it; and jealous provisions are detailed, to protect personal liberty. The trial by jury is adopted. The right of primogeniture and all sorts of entails are prohibited. All Spanish titles of honor are abolished; and the granting of nobility or hereditary honors or distinctions is prohibited, as also the creation of offices, whose emoluments are to continue no longer than the good behaviour of the incumbent.—All foreigners are to be received and protected, and those, who have rendered services to the republic in the war of independence, shall be equally eligible as natives, to every office, not requiring nativity in Colombia, provided they possess equal qualifications.

The former laws, not inconsistent with the constitution, are to be in full force till altered. The interpretation of the constitution is vested in congress. Amendments are to be proposed by two thirds of each house, to be taken into consideration after, at least, one half of them have gone out, and others been elected; after which, if the amendment is adopted by two thirds, it shall be valid.—Certain grand fundamental principles of the constitution are declared to be sacred, and not liable to any such alteration. But it is provided, that after all, or the greater part, of the territory of the republic shall have become free, and after a trial of the constitution for ten or more years, a grand convention shall be called to revise, and, where necessary, amend every part of it.

It was passed at Cucuta, 30th of August, 1821, and signed by 53 members.

Civilization of the Indians.

Office of Indian trade, May 28, 1822.

[CIRCULAR.]

To the corresponding secretaries of the several societies in the United States, for the promotion of Indian civilization.

By an act of the recent congress, the U. S. trade and intercourse with the Indian tribes will have ceased on the 3d proximo. With the abolition of this system will fall the office, which, for the last six years, I have had the honor to fill, and to which I am indebted for the very agreeable relations which exist between us, but which are now about to terminate, officially at least, forever.

It is necessary that I should apprise you of this state of things, in order that you may make new arrangements for the transmission of your supplies and correspondence to the Indians, and to those

who are engaged in the work of their civilization, as all such facilities, by the agency of this office, are now at an end.

The success which has hitherto attended your efforts in this cause of humanity, should, and I trust will, animate your future exertions. Conclusions, it is true, have been drawn by some, unfavorable to the success of this noble enterprise; whilst others, as might have been expected, have attempted to pour contempt upon it. But the views which have been taken, and the inferences which have been drawn from them, have been alike irrelevant. What the *Jesuits* did a century or two ago is one thing, what you are doing now is another—that is, your plans and theirs bear scarcely any resemblance to one another, and might be considered as contrived for the accomplishment of different ends. Scarcely any thing can be recognized in those of former times to liken them to that which is in operation at this time. Religious observances and the ceremonies of the church are all excellent, and should form part of every system for the conversion of the savage into the civilized man and Christian; but they are not sufficient, of themselves, to accomplish this great end, at least in the ordinary course of things. Yet those forms, and their outward observances too, were chiefly, indeed *altogether*, relied upon by the zealots of former times. But to these is now superadded the machinery of practical and domestic life, which, whenever and wherever put in motion, in connection with moral instruction, never fails to work out results improving alike to the civilized man and the savage. Such is the system which is now in operation, and which has already, (I mean since 1817), demonstrated its complete adaptation to the great end you have in view. From such as believe Indians to be upon a level only with the beasts that perish, and who treat them as unworthy of their sympathy, and ridicule all attempts to introduce them into civilized life, no change of opinion need be anticipated until they shall become better informed.

My parting advice to you is, to *persevere*. New difficulties may arise, obstacles may multiply, and opposition itself may blacken the sky of your prospects—but *persevere*. 'Tis the cause of your country in which you are engaged, as well as the cause of humanity. Patriotism and kindness here are essentially united. You have every inducement to persevere. The experiment, it is true, has been made, and few are now to be found prepared to advocate the doctrine that an Indian is *necessarily* a savage; but to yield even now, and after the proofs which exist to show that *he is not*, might involve all future efforts. Men are apt to look at things as they see them, without stopping to inquire into the causes which operated to make them so. The question may be considered, therefore, as not yet fully settled. Let this sustain the cause. But there are nobler motives. Suffering humanity implores; the destitute are crying to you for help; the persecuted demand your protection—your country invites and the lessons of the past admonish.

Great sacrifices, I am aware, are involved in your scheme of kindness. The enjoyments of social and polished life are to be exchanged for the rude and cheerless prospects of a wilderness home. Friends and kindred are to be surrendered, and death itself is sometimes to be dared, and even met. But the greater the difficulties to be overcome, the greater the triumphs of your success.

You have my best wishes; and, be my destiny what it may, I shall not cease to cherish for you, and for those whose condition you have so generously volunteered your services to meliorate, an ardent solicitude for your success and their welfare.

THO. L. M'KENNEY, S. I. T.

To United States' Land Debtors.

Treasury department, general land office.

Notice is hereby given to persons indebted to the United States for public lands, who were entitled to, but who did not avail themselves of, any of the provisions of the act of congress "for the relief of the purchasers of the public lands, prior to the first of July, 1820," passed on the 2d day of March, 1821, that, in pursuance of the provisions of an act of congress, entitled "An act supplementary to an act, entitled 'An act for the relief of the purchasers of the public lands prior to the 1st day of July, 1820,'" passed on the 20th day of April, 1822, they are allowed to complete their payments under the provisions of the aforesaid act of the 2d March, 1821, agreeably to the instructions and forms heretofore given.

The unpaid interest which shall have accrued on the debt, before the 30th day of September, 1821, is remitted.

In every case, where the relief tendered by the act is accepted, the original certificate of the purchase is required to be surrendered to the register of the land office *where the land was purchased*, on or before the 30th day of September next.

In case of lost certificates, the party is required to advertise the same nine times in a public newspaper, and to file proof of their loss, in their stead, with his affidavit, before a magistrate properly authenticated, that such certificates were never assigned by him to any person or persons whomsoever.

Where the whole sum due is paid on or before the 30th day of September next, a deduction of 37½ per cent. will be allowed.

Where payment is intended to be made by relinquishment, the party is required to file, on or before the 30th of September next, with the register of the land office where the land was purchased, a relinquishment in writing, to be executed in the manner and form heretofore prescribed, which must contain all the tracts held by him as purchaser, assignee, or otherwise, (and purchased at the same land office), for which he wishes relief under the act.

The party relinquishing must pay to the register and receiver, respectively, fifty cents for every tract relinquished to the United States, and fifty cents to the register for receiving, recording, and filing the relinquishment.

When the party intends to avail himself of relief by further credit, he must, on or before the 30th day of September next, file, with the register of the land office *where the land was purchased*, a declaration, in writing, setting forth such intention, in the manner and form heretofore prescribed, and pay to the register fifty cents for receiving, recording, and filing the same.

Where the debt is placed on further credit, the annual instalments are made payable at the periods prescribed by the act of the 2d of March, 1821.

No interest will be charged on payments made on or before the 30th of September next, whether such payments go to complete the balance due on that day, or be in discharge of instalments which became due prior to that day.

Payments made after the 30th day of September next, in discharge of instalments due *before that day*, will be subject to interest at 6 per cent. per annum, *from the day on which they ought to have been made*, under the provisions of the original act, to the date of payment.

If the annual instalments becoming due *after* the 30th of September next, be not paid at the periods prescribed by law for their payment, they are chargeable with an interest at 6 per cent. per annum from the 30th day of September, 1821, to the time of payment.

Blank forms for declarations and relinquishments can be had at the several land offices where the act will take effect, or at the general land office.

Military Academy.

Department of war, April 2, 1822.

Sir: I present, herewith, a report of the chief engineer, furnishing the information required by a resolution of the house of representatives, of the 19th of February last, communicated with your letter of the 21st of the same month, and have the honor to be, with great respect and consideration, sir, your obedient servant,

J. C. CALHOUN.

The hon. WILLIAM BENTLEY,

Chairman of the military committee, of H. R.

Engineer department, March 30, 1822.

Sir: In obedience to your instructions, I have the honor to submit the following statement, in answer to the several queries contained in the resolution of the house of representatives, of the 19th ultimo, communicated by the honorable chairman of the military committee.

Before answering the inquiries of the resolution, I would respectfully beg leave to offer, by way of introduction, a short sketch of the history of the military academy, and of the corps of engineers, with which that institution is so intimately connected.

The military academy was established by the act of the 16th March, 1802. Previously to that period an attempt was made to create a military school at West Point for the regiments of artillery and engineers. A number of officers and men were collected from that regiment, and some endeavors were made to open a school of practice, but the want of a preparatory induction into the arts and sciences, which form the basis of such an establishment, rendered it difficult for the officers to impart the necessary instruction, and, consequently, the school progressed slowly and with little success.

It was also, soon discovered that the regiment of artillery and engineers could not combine with effect the two duties assigned to its members, and the act which constituted the military academy separated them into two distinct corps.

The officers of the corps of engineers, in the first instance, constituted the military academy. The captains acted as professors of the several branches of the arts and sciences necessary to be taught, and instructed the lieutenants and cadets of the artillery and engineers. By the act of the 28th of February, 1803, one teacher of the French language, and one teacher of drawing, were added to the institution; also, one artificer, and eighteen men, to aid in making practical experiments. The number of cadets then authorized was ten for the engineers, and forty for the artillery; but this number was seldom complete. The whole establishment was under the immediate superintendence of the commandant of

the corps of engineers, or, in his absence, the next in rank in that corps.

The law which created the military academy authorized the president to make such promotions in the corps of engineers, when he should deem it proper, with a view to particular merit, and without regard to rank, as not to exceed one colonel, one lieutenant colonel, two majors, four captains, four first and four second lieutenants, and so that the whole number of the corps should at no time exceed twenty officers and cadets.

The act of the 12th of April, 1808, for raising, for a limited time, an additional military force, authorized the appointment of twenty cadets for the light artillery, one hundred for the infantry, sixteen for the cavalry, and twenty for the riflemen; but very few, if any, of the cadets thus authorized were appointed. To send them to their regiments, without instruction, was deemed useless; and to order them to West Point could not have been done with propriety, without making suitable provision for the reception and instruction of so great a number. About this period the officers of engineers were engaged in the construction of works for the defence of the seaboard.

A proper military education being considered a matter of the utmost importance, and the only sure means of laying the foundation of a competent and well informed corps of officers, the national legislature passed an act making further provision for the corps of engineers, and the military academy, the 29th of April, 1812, by which act the corps of engineers was augmented two captains, two first and two second lieutenants, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers, and sixty two men, together with the one artificer and eighteen men previously authorized, were formed into a company, and styled the company of bombardiers, sappers and miners, and commanded by the officers of engineers.

The following professorships were added to the military academy by the same law, viz: one professor of natural and experimental philosophy, with one assistant; one professor of mathematics, with one assistant; one professor of the art of engineering, with one assistant. The assistant professors were to be taken from the most prominent characters of the officers and cadets. The same law provides, that the cadets previously appointed, whether of artillery, cavalry, infantry or riflemen, or that might be appointed in future, should at no time exceed 250; that they might be attached, at the discretion of the president of the United States, as students to the military academy, and be subject to the established regulations thereof; that they should be formed into companies for military instruction, and that the said corps of cadets should be trained and taught all the duties of a private, non-commissioned officer, and officer, be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen nor above the age of 21 years; that each cadet, previously to his appointment by the president of the United States, should be versed in reading, writing and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve five years, unless sooner discharged; that when any cadet shall receive a regular degree from the academic staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be

adjudged competent to perform; and in case there shall not at the time be a vacancy in such corps, he may be attached thereto, at the discretion of the president of the United States, by brevet of the lowest grade as a supernumerary officer, until a vacancy shall happen, provided there shall not be more than one supernumerary officer to any one company at the same time.

The military academy may be considered as having been in its infancy, until about the close of 1817 or beginning of 1818, prior to which there was but little system of regularity. Cadets were admitted without examination, and without the least regard to their age or qualifications, as required by the law of 1812: Hence, the institution was filled with students, who were more or less unfit for their situations. It is not surprising, therefore, that a large portion of them have been under the necessity of leaving the academy without completing their education. In support of these statements, it may be observed, that, in 1817, at which time the present superintendent took charge of the academy, there were 213 cadets, of whom 103 have resigned or been discharged, whose names will be found on the list marked A; of the 179 on that list, 122 left the academy in consequence of being deficient in their studies, and 9 were dismissed or compelled to resign in consequence of bad conduct. None of the others can be considered as a loss to the academy, or to the public service.

The institution being now in successful operation, the most favorable results may in future be anticipated from it. Of the number of cadets now at the academy, it is probable that two thirds will be graduated and become candidates for commissions. The average number of cadets to be admitted hereafter may be estimated at 75 per annum, of whom about 20 will be rejected at the first semi-annual examination, ensuing their admission on trial, and 15 others will resign, or be otherwise separated from the academy, prior to the graduation of their class, so that the number of cadets who will be graduated each year may be estimated at 40. Hence the proportion of graduates to the whole number of cadets admitted upon trial, may be estimated hereafter as 8 to 15, or as 1 to 1.7-8.

These results are derived from calculations made by the superintendent, and are founded upon the most certain data which can be obtained under the present operation of the system of education at West Point, and may be relied on as substantially correct. It may be proper to observe, that, of the whole number to be appointed to any one class, the principal diminution will take place at the end of the first six months. That, under the present regulations, those who are selected receive a conditional appointment only, which is confirmed on their passage of the probationary examination in January, the term commencing on the 1st of July preceding; and that one object of this regulation is, to procure an early decision on the qualifications of the persons appointed, both in respect to intellect and character, and that those only shall be educated who afford the promise of completing their education with success, so that the public, as far as possible, may avoid all unnecessary expense on those who might prove unworthy of the institution. Assuming, as a basis, the calculation of the superintendent, above referred to, of the number of these admitted on the probationary examination in January who would complete their education, the proportion of those graduated and joining the army, to those passing that probationary examination, would be as 8 to 11, or as 1 to 1.3-8.

I will now proceed to answer the inquiries in the order in which they stand, dissecting the resolution into several parts, with a view to present, as distinctly and fully as practicable, the information required on each point.

Query 1st. "A statement of the number of cadets educated at the military academy, who remained in the service of the United States five years."

Answer. The number is two hundred and sixty-five.

Query 2d. "The number who have received commissions and resigned, or been discharged from service before the expiration of five years."

Answer. The number is sixteen.

Query 3d. "The number that have left the military academy without commissions, and the amount of money that has been paid each."

Answer. The number that have left the military academy, (between the year 1802 and the 1st of July, 1821), are two hundred and eighty two; and the amount paid to each since the 1st of September, 1817, will be seen by reference to the table marked A. The amount paid, previously to that time, cannot be ascertained. See answer to 4th query.

Query 4th. "The amount paid to cadets between the time of their appointment and that of their being mustered at the academy, and the time of leaving the academy and the time of receiving commissions and entering the service of the United States."

Answer. No cadet, since 1816, has received pay between the time of his appointment and the time of joining the academy, or between the time of his leaving the academy and the time of receiving his commission. The pay rolls of an earlier date not having been preserved at the academy, no precise statements can be made prior to that time. I have also made inquiry at the accounting offices, but it is considered impracticable to furnish such a statement. It may be observed, however, that, before 1816, cadets, in some particular cases, received pay before joining the military academy; but, as before said, the amount cannot be ascertained. There is no record to show, that cadets received pay "between the time of leaving the academy, and the time of receiving commissions." While serving in regiments as cadets, they received the pay to which they were entitled by law.

Query 5th. "The number educated at the academy, who were in the service during the late war."

Answer. The paper marked B, exhibits the number, (106) the names, the rank during the war, their present rank, and also the names of those who have died in the service, or been killed during the late war.

Query 6th. "The expense of maintaining the officers and instructors of the academy each year since 1802."

Answer. Is shown in the statement marked C.

Query 7th. "The expense of ammunition which has been furnished for the use of the academy."

Answer. The quantity of ammunition furnished for the use of the military academy cannot be precisely ascertained: it may, however, be estimated at four barrels of powder per year, and a few shot; the greater part of which had been condemned as unfit for service.

Query 8th. "The soldiers who have been stationed at the academy for the assistance of the officers and cadets since its establishment."

Answer. By an act of 16th March, 1802, eighteen men and one artificer were attached to the corps

of engineers, and were stationed at West Point, until they were incorporated with the company of bombardiers, sappers and miners, raised in pursuance of an act of congress, passed 29th of April, 1812. This company, as soon as it was organized, was marched to the frontiers, where it assisted in the defence of Fort Erie, and in other operations of the campaign. After the close of the war, it was stationed at West Point, for the purpose of protecting the magazines, stores, and other public property at that post. It was also employed in making various local improvements, and assisted in erecting the buildings of the academy, by which considerable expense has been saved to the government.

Although these men were serviceable in many respects to the academy, not a soldier has been employed, (certainly since 1816), in the personal service, or for the private convenience of any officer or cadet of the institution.

Query 9th. "The number of cadets educated at the academy since its establishment, distinguishing those who are the sons of officers and soldiers who have fallen in the defence of their country, or died in its service."

Answer. The number of cadets who have been educated at the academy is two hundred and eighty-one. The number of cadets educated at the military academy, who were the sons of officers or soldiers, who have fallen in the defence of their country, or died in its service, cannot be ascertained. Upon this last section of the resolution, I beg leave to refer you to a report upon the military academy, made by my predecessor, dated the 8th of January, 1821.

All which is respectfully submitted.

ALEXANDER MACOMB, *Maj. gen.*

Inspector of the military academy.

Hon. J. C. CALHOUN, *secretary at war.*

Imported rolled and hammered Iron.

Message from the president of the United States, transmitting copies of letters received at the department of state, on the subject of the duties discriminating between imported rolled and hammered iron. May 3, 1822. Read, and referred to the committee of ways and means.

To the house of representatives of the United States:

I transmit herewith to congress, copies of letters received at the department of state, from the minister of Great Britain, on the subject of the duties, discriminating between imported rolled and hammered iron.

I recommend them particularly to the consideration of congress, believing that, although there may be ground for controversy, with regard to the application of the engagements of the treaty to the case, yet a liberal construction of those engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

Washington, May 1, 1822.

ENCLOSURES.

Mr. Bagot to Mr. Adams, 18th November, 1816.

Mr. Antrobus to same, 22d November, 1819.

Same to same, 1st May, 1820.

Mr. Canning to same, 31st March, 1821.

Same to same, 25th November, 1821.

Mr. Bagot to Mr. Adams.

Washington, November 18, 1816.

SIR: I have the honor to call your attention to one of the provisions of an act of the United States' congress, passed on the 27th of August last, entitled

"An act to regulate the duties on imports and tonnage," which appears to have originated in some misapprehension of the real nature of one of the principal manufactures of Great Britain, and which has had an operation not only very prejudicial to the British manufacturer, but contrary, as it should seem, to the spirit and intent of the 2d article of the commercial treaty.

By the 2d article of the commercial treaty, between Great Britain and the United States, it is stipulated, "that no higher duties shall be imposed on the importation of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign countries." By the act of the United States, to which I have referred, it is, among other things, enacted, in the sixth section, that, upon importation into the United States, iron in bars or bolts, except iron manufactured by rolling, shall pay a duty of 45 cents per cwt., and that in bars and bolts, when manufactured by rolling, and anchors, it shall pay a duty of 150 cents per cwt.

It was probably not known that the bar and bolt iron manufactured in Great Britain, is, in the last process, rolled; whereas, the same article, both in Sweden and in Russia, instead of being rolled, is, in the same process, hammered; but when the iron is manufactured into bar or bolt, whether by rolling or hammering, it is in precisely the same progress and manufacture, and is, in every respect, applicable to the same purposes of use and ulterior manufacture, and consequently is, to all intents, "a like article." But, by the inequality of the duties which have been imposed, it seems to have been imagined that rolled bar and bolt iron is in a state of manufacture beyond that of hammered iron, and you will observe that this supposition is strengthened by the circumstance of its being classed with anchors, which are in a state of complete and finished manufacture, and are worth 35l. per ton in the British market; whilst bar and bolt iron is only worth 11l. per ton.

It is to be assumed, that, whenever duties are imposed on any foreign article in a graduated scale proportioned to its manufactured state, it is intended that the duty should be regulated by that state alone, and not by the process by which it is brought to that state. Iron, in a certain state of manufacture, is to be charged with a certain duty; the means of bringing it to that state, whether by hammering or rolling, is not to be had in consideration; for, if it were, the effect would be to force each nation to use exactly the same process, and, what certainly never could have been intended, to check and punish the application of ingenuity and improvement.

Considering, therefore, that the bar and bolt iron manufactured in Great Britain, is, according to the true spirit and intent of the 2d article of the treaty of commerce, in every respect, "a like article" with that manufactured in Sweden and Russia, it is hoped that such measures will be taken by the government of the United States as will allow of its admission to importation at the same rate of duty, and will place the British manufacturer in that state of equality in respect to foreign nations, as may accord with the undoubted intention of the late treaty of commerce between the two countries.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,
CHARLES BAGOT.

JOHN QUINCY ADAMS, *secretary of state.*

Mr. Antrobus to Mr. Adams.

Washington, 22d November, 1819.

SIR: I have the honor to inform you that I have been instructed by his majesty's government again to bring under your notice the difference of duties levied in the ports of this country, on British and other foreign iron, in bars and bolts.

It is stipulated by the commercial convention between Great Britain and the United States, that articles, the growth, produce, and manufacture of Great Britain shall pay no higher duties, on importation into the United States, than like articles, the growth, produce, and manufacture of any other foreign countries.

Mr. Bagot, in a letter of the 18th November, 1816, addressed to Mr. Monroe, at that time secretary for the department of state, to which I beg leave to refer you, has clearly pointed out that iron, manufactured in Great Britain by rolling, ought to be considered a like article to iron manufactured by hammering, both in Sweden and Russia; and I feel confident it is only necessary for me to call your attention to this similarity in the state of the manufacture of British and other foreign iron, in bars and bolts, to decide the government of the United States to adopt measures for the admission to importation of this article, on terms more consistent with the spirit of the treaty of commerce existing between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,
G. CRAWFORD ANTROBUS.
JOHN QUINCY ADAMS, *secretary of state.*

Mr. Antrobus to Mr. Adams.

Washington, May 1, 1820.

SIR: In the month of November, of the year 1816, Mr. Bagot had the honor of addressing to Mr. Monroe, at that time secretary of state, a note, calling his attention to a provision of an act of congress, passed on the 27th of April, of that year, entitled "An act to regulate the duties on imports and tonnage," imposing, on the importation into the United States of iron, in bars and bolts, manufactured by rolling, a duty equal to that paid on anchors, whereas, by iron in bars and bolts, manufactured by hammering, was subject to a lower duty.

On the 22d November last, I had the honor to address a note to you on the same subject, requesting the adoption, by the American government, of such measures as would give to the British merchant the advantages secured to him by the 2d article of the treaty of commerce between Great Britain and the United States, namely, "that no higher duties shall be imposed on the importation to the United States of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, than are, or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign countries."

As it is understood that the modification of the tariff, thus sought for, can only be effected by an act of the legislature, and, as it is believed that the present session of that body is now drawing to a close, I take the liberty of again bringing this matter under your notice, and of expressing a hope that the present high rate of duty on the importation of rolled iron will no longer be allowed to exist, to the prejudice of the British manufacturer, and, it should seem, contrary to the spirit of the commercial treaty.

I have the honor to be, with the highest consideration, sir, your most obedient and humble servant,
G. CRAWFORD ANTROBUS.

JOHN QUINCY ADAMS, *secretary of state.*

Mr. Canning to Mr. Adams.

Washington, March 31st, 1821.

SIR: It is in obedience to instructions which I have lately received from his majesty's government that I have the honor to recal your attention to a subject of considerable interest, on which Mr. Bagot and Mr. Antrobus have already had occasion, respectively, to open a correspondence with your office—I mean the discrimination established by congress in the duties on imported iron, manufactured by rolling or hammering.

I abstain for the present from troubling you with any additional argument in support of the general principles asserted by Mr. Bagot; but as there is reason to suppose that some erroneous notions have prevailed, with respect to the process of rolling iron, as employed in the British manufactories, it is confidently hoped that an authentic statement of the real process will suffice to remove any objections which the government of the United States may still entertain to an equalization of the duties in question.

The *pig iron* is first purified, or refined, in what is called a *finery*; during which stage of the process, it loses in weight about $2\frac{1}{2}$ cwt. per ton.

The metal thus refined is taken to the *puddling furnace*, from which, after it has undergone the operation of *puddling*, it is conveyed in balls, each weighing about 60 lbs. to the *slabbing rolls* and there rolled into a *slab* or *rough bar*.

This bar is then divided into several peices, which are placed in piles of three or four peices together, and, after being again heated in a *reverberating furnace*, are rolled into what is called a *merchant bar*.

In these two stages there is a further waste of about 5 cwt. in the ton.

The metal, after being refined in the puddling furnace, is sometimes placed under a *helve*, or iron hammer of three or four tons weight, and shingled or hammered into what is termed a *half bloom*, which is subsequently cut into peices and rolled into a merchant bar, in the same way as the piled slabs. The quality of the manufactured metal, and the cost of the operation, are very nearly the same in both cases.

To these facts, which are derived on authority, to all appearance unquestionable, from the principal iron manufactories in England, it may be added, that, even the pig-iron employed there, is probably of a superior quality, owing to the great care with which the dross is drawn off from the ore.

Persuaded that the preceding statement will receive at your hands an attentive and liberal consideration, I beg, sir, that you will accept the assurances with which I have the honor to be, your most obedient humble servant.

STRATFORD CANNING.

JOHN QUINCY ADAMS, *secretary of state.*

Mr. Canning to Mr. Adams.

Washington, 26th November, 1821.

SIR: On the 31st of March I did myself the honor of writing to you with reference to the discriminating duties laid by congress on imported rolled and hammered iron. It is under the special instructions of my government that I now return to a subject which has been repeatedly pressed upon your notice, in full persuasion that, sooner or later, the legislature of the United States would recognize the propriety and justice of repealing the exceptionable duty.

I do not feel myself at liberty to draw any inference unfavorable to this expectation, from the silence with which you received my former letter. I abstained on that occasion, from going at large into the merits of the question, conceiving that an exposition of certain facts, capable of being verified, would be sufficient, until the meeting of congress should furnish a fit occasion for examining the whole subject in a more complete and deliberate manner.

You will remember, sir, that the facts which I then stated, and to which I again solicit your attention, were calculated chiefly to remove the erroneous impressions entertained by some persons in this country, with respect to the real nature of British rolled iron, and the process of that manufacture. It had been asserted, that in rolling iron, according to the practice of Great Britain, the metal was only twice heated, and so rapidly converted into bars, as not to allow of its acquiring those qualities which are supposed to be imparted to it by the more laborious operation of hammering. It now appears, from the testimony of many respectable individuals acquainted with this important branch of industry, that the iron is heated no less than three times, that it is refined with such effect as to lose $7\frac{1}{2}$ cwt. per ton in passing from the state of *pig iron* to that of *merchant bars*, and further, that it is cut into peices after the first rolling, and piled so as to cross the grain when again heated and rolled.

In the qualities of rolled, as in those of hammered iron, there may be an occasional difference resulting from the nature of the ores employed in its composition. The British iron masters use a great variety of ores, the different mixtures and combinations of which have, doubtless, a considerable effect in producing a better or an inferior article. But to suppose that any difference is made in the quality or manufacture of British iron, when destined for the foreign market, other than when it is kept for home consumption, is an error which cannot be met with too distinct and positive a denial.

This notion, groundless as it is, has, however, been brought forward with others equally erroneous, to prevent an equalization of the duties on imported iron. It has even been alleged that while rolled iron is exported from Great Britain for the use of foreign countries, the British import large quantities of hammered iron from the north of Europe for their own use; and that, in ship building, this latter article, owing to its superior quality, is indispensable.

In reply to these assertions I appeal, with confidence, to the accounts of British and foreign bar iron employed in Great Britain, at three successive periods within the last sixteen years. In 1806, in 1814, and in 1820, the respective quantities of the former were 101,877, 157,365, 136,642; and those of foreign bar iron were 27,411, 11,635, and 6,242. To confirm the results suggested by this statement, it may be added that in Ireland, where a strong prejudice is known to have once prevailed in favor of foreign iron, the consumption, which, in 1807, was 5,696 of British, and 3,229 of foreign, was, in the year 1820, 474 of the latter, and no less than 13,073 of the former.

For the manufacture of steel, and for that alone, the Baltic iron has some advantage over British, and whatever quantity of it is imported into Great Britain, is either converted into steel; in which way it is at present almost exclusively used, or re-exported to those countries, where the nature and properties of British rolled iron are as yet imperfectly understood.

Concerning the particular point, of ship building, the abstract which follows, of the respective quantities of British and foreign iron, employed at different times by his majesty's navy board, must, of itself, carry conviction to every impartial mind.

Years.	Foreign.	British.
1806	457	1343
1810	289	1663
1815	82	1743
1820	51	1824

The truth is, that, except for making steel, any superior fitness for which is clearly an accident of nature, and not the effect of hammering, English bar iron is at least equal to that of Sweden and Russia. It is used throughout Great Britain in the most important constructions, in her manufactories, dock yards, and military establishments. It is prepared exactly in the same manner for exportation as for domestic consumption. It is never finished by a single rolling, except at a very few works, where the metal has been previously formed by hammering. It rarely happens, indeed, that the iron master knows, at the time of manufacturing, for which market the iron is destined, and when he is apprized of this circumstance, a sense of his own interest, the interest of the trade, would alone restrain him from sending an inferior manufacture to the foreign market.

It is, in short, the greatest of delusions to imagine that the consumers of iron are interested in giving a preference to the process of hammering over that of rolling. The Baltic manufacturers have, doubtless, their reasons for adhering to their former practice, but so far from their deriving any claim to superiority from that circumstance, it is well known to persons familiar with the trade, that their iron would be improved rather than deteriorated by the application of the rolling machine. This being the case, it would be absurd to defend the discriminating duty on the ground of its preventing the manufacture of rolled iron in the northern countries of Europe.

Even in the counter statements which have been made upon this subject, it is admitted, not only that the ores of England may be equal to those of other countries, but also that the process of rolling only requires to be repeated in order to place it upon a level with that of hammering. Allow me, sir, to remark, in reference to this admission, that in the present state of your legislative enactments, the British iron imported into the United States might pass under the roller any number of times, without being relieved, on that account, from the pressure of which I complain.

The difference of value, or cost, at which the rolled and hammered iron may be prepared for sale, can surely present no argument in favor of the discriminating duties. That difference, whatever it may be, is a natural result of labor-saving machinery; it is the just reward of ingenuity employed with success in the service of mankind. Science and inventive genius are peculiar to no soil, all nations have an interest in their progress, and to grudge them a fair remuneration, would be no less unworthy of the character, than foreign to the views of an enlightened legislature.

I have now, sir, replied, and I trust, conclusively, to such parts of the explanatory statement which you communicated to Mr. Antrobus, in your letter, dated the 31st of May, 1820, as were grounded, how justly I leave to your candor, on the principle of expediency. It remains for me to take a more comprehensive view of the case, as involving, in my belief, a breach of agreement, unintentional no

doubt, but not, therefore, less prejudicial to his majesty as a contracting party, nor calling the less for a seasonable amendment.

By the second article of the convention of commerce, subsisting between the two countries, it is declared, that "no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of his Britannic majesty's territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture, of any other foreign country." To secure certain stipulated advantages, reciprocally to both the contracting parties, was the general object of the convention; to secure to the produce and manufactures of Great Britain, a fair unshackled competition in the markets of the United States, with all articles of a similar nature imported from other foreign countries, is the plain indisputable object of this particular clause. But how can these objects be considered as fully or adequately effected while British bar iron is made to pay, on its importation into the United States, double the amount of duty levied on the same article when imported from Sweden and Russia? I am aware of the distinction which has been drawn between rolled and hammered iron, and of the assertion, founded on that distinction, that so long as all importations of hammered, and all importations of rolled iron, are subject, respectively, to the same rate of duty, Great Britain has no right to complain. But Great Britain being the sole exporter of rolled iron, the discriminating duties do in fact operate to her prejudice, and, in point of principle, it will not be difficult to shew that the articles in question are truly and essentially like articles, such as cannot, with any color of reason, be excluded from the benefit of the treaty.

You will readily admit, sir, that like articles, in the sense of the convention, must necessarily be such as are similar to each other in their leading characteristic properties. On any other supposition, the clause in question is an idle form of words, and, contrary to the very end and purpose of the treaty, a door would be opened to arbitrary interpretation in one of its principal provisions. Now, the process or mechanical operation by which an article is manufactured, can surely never be reckoned among its properties. Any difference of use, or quality, resulting from the mode of manufacture, may indeed constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance. It has been shewn; on the contrary, that, for all the ulterior purposes to which bar iron, as such, is applicable, the rolled is equally good with the hammered; that both the one and the other are sent to market in the same stage of manufacture, and that the only difference between them is one of a retrospective nature, not affecting the identity of their present state, but relating solely to the process by which they were brought to the same point.

To borrow an illustration from language—two words of similar meaning, in common acceptance, would surely not be deemed the less synonymous because they might be traced to different roots, or had passed through different modes of formation.

I further intreat you, sir, to observe with what facility the same distinction may be extended to other articles of commerce. Even the chief staple of your southern states might, upon the same principle, be discriminated in British ports from

the cotton of Brazil or the Levant, for no other reason than because it had been prepared by Mr. Whitney's ingenious and useful machinery. Examples, bearing upon either party, might easily be multiplied; I have taken this because it is the most obvious. In fact, the same natural productions are common to so many different countries, while the means of improving them are varied according to the vast diversity of local resources, that even of those articles which barely rank as manufactures, few might not be brought within range of the same distinction which is now applied, unwarrantably, I think, to bar iron. That a latitude of interpretation, thus tending to nullify one of the principal clauses of the treaty, should have been contemplated by those who framed it, is utterly inconceivable. Yet this, sir, is the conclusion to which we must come, if it be admitted that rolled and hammered bar iron are not *like articles*, an admission which, taking the fair and natural meaning of that phrase, would surely be equivalent to saying that what is bar iron when hammered is not bar iron when rolled.

It is with regret, sir, that I have found it necessary to take up so much of your time on this subject; but I feel persuaded that you will appreciate its importance, and that it will receive from the American government an early and equitable reversal, to the end of relieving, by law, the importations of British rolled iron from the present discriminating duty, and thereby fulfilling the obligations of the commercial treaty.

I embrace this opportunity, sir, to repeat to you the assurance of my perfect consideration.

STRATFORD CANNING.

CHRONICLE.

Naval. The Franklin 74, was at Valparaiso on the 6th of Feb.

The U. S. felucca Bull Dog was lost, on the 26th April, off the west end of Belle Pass, in one of the severest gales of wind ever known in the Gulf. Four of the crew were drowned—the rest have reached New Orleans.

It seems certain that several privateers are fitting out at St. John's, Porto Rico, for the purpose of capturing vessels trading with ports in possession of the patriots.

H. G. Ois has resigned his seat in the senate of the United States.

Milligan and Welchman, who robbed the Phoenix bank of New-York sometime ago, have been convicted, and sentenced to nine years hard labor in the penitentiary.

Brooklyn, on Long Island, contains 7167 inhabitants, and in point of population has the third rank among the cities and towns of the state of New-York.

A seal has been captured off the eastern coast, which, when pursued, was first supposed to be a sea-serpent. It weighed 370 pounds.

A negro, near Winchester, in Virginia, lately assailed two young ladies, tied them to trees and compelled them to endure his loathsome caresses; but was happily frustrated as to his ultimate design.

A negro, on his own confession, is to be executed at Cahawba on the 15th inst. hired by a white man to assist in a burglary: his evidence was conclusive as to himself, but not legal against his companion and employer in the act. It is thus that great fishes break through, and little ones are caught in the net.

Died, on the 21st March, in Lancaster county, Penn. the rev. *Jacob Stoll*, aged 91 years and 5

months, a minister of the Dunker society for nearly seventy years past, and within the last year has been known to walk four or five miles to officiate in his society.

A horse belonging to captain Holford, lately trotted in England, seventeen miles in 58 minutes and 36 seconds. He carried 10½ stone, and was to perform the match within the hour for 200 guineas.—Mr. Williams' horse, which beat the slate colored American horse, was backed to trot three miles in nine minutes. The match was lost by 40 seconds.

A horse lately died in England at the advanced age of fifty years. He was the property of Henry Holford, esq. of Devon.

Distance! A proposal was laid before the legislature of New York, to incorporate the "Ocean steam Boat company," who intended to establish a regular line of Packets between the cities of New York and New Orleans, to depart once a month.—The distance is about 2000 miles; but the establishment of such a line of packets will make the cities as neighbors of one another.

We must approve of the enterprize of the people of New York, though it may affect the interests of other cities, for her examples are precious. It is the purpose of her citizens to render her the greatest mart in the world, if they can—for which no one can blame them. Second only to London as a place of trade, they seem disposed to rival that seat of commerce, if it be possible—and it is probable that they will do it before many years pass over us, by their canals, roads, lines of packets, &c.

Short passages. During the early part of last month, several vessels arrived at New-York in 23 and 24 days from England. By one of them a *London* paper was received which contained an account of the death of Mr. Pinkney, and, on the same day, the mail from *St. Louis* brought similar intelligence. One vessel made a voyage to and from Liverpool in 72 days—31 of which she laid in the latter port. She made her passage out in 18, and that home in 23 days, at sea. A passenger who came in her had been absent from New-York only 46 days, and transacted important business in London!

Commerce—151 vessels arrived at New-York from foreign ports, during the last month; viz. 27 ships, 65 brigs, 53 schooners and 7 sloops. The total foreign arrivals at that port, for the year ending 31st May 1822, amounted to 1078.

Commerce of the Ohio. A Louisville paper states, that the steam vessel United States, which started for New-Orleans on the 10th of March, had the following cargo on board: 70 hhds. tobacco, 2,258 bbls flour, 468 do of whiskey, 189 do. pork, 68 do. porter, 79 do. apples, 11 do. beans, 3 do. vinegar, 2 do. oil, 11 reels yarn, 17 coils bail rope, 6 boxes soap, 3 do. candles, 6 horses and about 60 negroes.

Trade on the lakes. Nine fine schooners were lately seen at one time bearing up for the port of Detroit—they were from Buffalo and other ports on lake Erie, some of them bound to Mackinaw and Green Bay. There were many passengers, who designed to settle in Michigan. The progress and shortly expected opening of the New York canal, rapidly increases the population of this territory.

Ship building. There are now building on the Merrimack, six ships and five brigs—some of which are large and fine vessels.

A steam boat has been launched at New-York, owned by a citizen of Savannah, to ply between the latter place and Tybee island, during the summer, where an extensive establishment for sea-bathing is erected.

The interior. The navigation of that part of the Erie canal which is completed, appears to increase daily. From 25 to 30 boats are registered in a week, and from 60 to 70 boats arrive at the remotest points of the navigation, fully laden, in the same time. Fears are beginning to be expressed, that the canal will not be sufficient to carry on the business which it will produce. This is probable, when we reflect upon the richness of the country which it passes through, and the immense regions which it will unite with the waters of the Atlantic.

American manufacture. We have seen, (says the N. Y. Evening Post), two elegant swords, manufactured by N. Starr, of Middletown, Conn. which, for workmanship and beauty, can scarcely be excelled. The hilt and ornaments are of pure gold. They were made to an order from the state of Tennessee, for gen. Jackson and gen. Gaines. On one side of the one intended for gen. Jackson, is engraved the following inscription: "This sword is presented by the state of Tennessee to general Jackson, for meritorious services performed in the late war with Great Britain." On the blade is engraved "New-Orleans." The one intended for gen. Gaines has "Erie" engraved upon the blade, and the same inscription upon the scabbard as the one intended for gen. Jackson, except the name.

These swords are said to be far superior to that which was made in London, for capt. Maedonough, presented by the crew of the Guerriere—and together, cost but little more than that sword did.

The third "Virginia" was celebrated at James Town on the 24th ult. The company assembled was numerous and respectable, and the festivity was kept up with much order and propriety.

Theatrical. Mr. Cooper performed Othello at Louisville, Ky. on the 13th ult. The boxes of the theatre, 16 in number, had been disposed of at auction, after the Boston fashion, and brought \$37 dollars for the evening. The Louisville Public Advertiser says, that "the house will hold, in addition to this amount, at least 300 dollars, provided that the gentlemen who may be in the pit should be prevailed upon to abandon the disagreeable and indecorous practice of standing up."

A battle. At a late muster of a regiment of militia at Philadelphia, a considerable battle appears to have taken place, in which swords were used and some persons severely wounded.

Piracy. Five men belonging to the crew of the Mosca, sent into Norfolk by the U. S. ship Hornet and charged with piracy, have been put upon their trial and promptly released—an act of piracy not being even attempted to be proved, though the character of the vessel was very suspicious.

Poison. Some negroes belonging to gen. Davidson, of Iredell county, N. C. unwilling to remove with him to Alabama, poisoned two of his daughters (married ladies), and had prepared a dose for the general himself. It was believed that they used the hemlock, which took fatal effect very speedily.

Gypsum. A large body of Gypsum or plaster of Paris, has been discovered on the north side of Sandusky bay, in the state of Ohio—easy of access by water, (indeed, in part lying in the bay where the water is very shallow), and of a quality said to be excellent. The Erie canal will make a fine market for it.

Potatoe brandy. It is rumored that the principal of a famous distillery in Paris, is about to establish

himself in London, to distil brandy from potatoes, by a process which he was there obliged to relinquish, on account of the high duties laid on to protect the vine growers. The brandy made was accounted as finely flavored as any other, and in every respect thought to be as good.

Cheese. A Maysville, Ky. paper gives an account of the sale of some cheese there, which is the counterpart of the famous wooden-nutmegs sometime since vended in the western country. The cheese had every appearance of being sound and good—the owner would not have them cut or plugged, because it would spoil them: but when they were cut, the whole interior was found to be rotten stuff, curiously plated over with a small quantity of good cheese, by traders from the east!

Cast-iron. We have several times expressed our wonder that the British did not make for themselves a cast-iron king: they, however, manufacture, for exportation, cast-iron muskets—and care little who is killed by their bursting, if they can be sold. They also make cast-iron bridle bits, which generally break at the moment when the life of a man may depend upon the strength of them. Such is the noble spirit of trade!

Prices current. A newspaper printed at Dayton, at the confluence of the Mad River with the Great Miami, in the interior of Ohio, gives the following as the price current of certain articles at that place: Superfine flour \$2.50 a barrel; wheat 30 cents a bushel; corn 12 cents; fresh beef 1 to 3 cents a pound; smoked hams 2 to 3 cents; butter 5 to 8 cents; eggs 3 to 5 cents a dozen; barn fowls 50 to 75 cents a dozen.

Taxable property. In the Boston Patriot is inserted a list of persons in that city, who, in the year 1821, were taxed over 100 dollars, and the number of those who were taxed over five dollars. The names of the following persons are given as paying the highest tax in that city—and we should suspect few persons in the United States pay a higher direct tax than twenty five hundred dollars.

Wm. Gray \$2500, Samuel Parkman 1379, Peter C. Brooks 1414, J. and T. Perkins and sons 1358, Israel Thorndike 1273, Wm. Pratt 653, Wm. Phillips 1807, Gardner Green 1424, David Sears 1407, Benjamin Wiggin 1107, John Parker 962. There are 9 pay over \$400; 17 over 300; 54 over 200; 34 over 175; 38 over 130; 48 over 125; and 92 over 100. The whole number paying a tax over \$5, is 4143.

Wolves. We have several times noticed the amount paid for the destruction of wolves in Franklin county, New York, with no small degree of astonishment: but from documents at present before us, it seems quite evident that a set of speculators have been depredating on the public. They were provided with convenient justices of the peace to sign certificates, and many poor dogs were slain and converted into wolves, for the bounty. It is only the spirit of banking, in an unusual appearance.

Squirrels. A Columbus, O. paper of the 25th April, says—On Friday and Saturday last, there were about nine thousand squirrels killed in this county; near five thousand of which were killed in this immediate vicinity.

Laborers. Five hundred laborers are wanted on that section of N. York canal which passes through the Cayuga marshes. Good hands will receive from 12 to 15 dollars a month.

Vagrants. Two men were lately ordered to be sold, as vagrants, by the court of Christian county,

Ken. One brought seven and the other was disposed of for one dollar. Two negroes were among the bidders for white servants.

Water. A project is a-foot at New-York, to supply the city with good and wholesome water, from the "five Ponds," or small lakes, which are the sources of the river Bronx, in Westchester county, a distance of thirty miles! One of these lakes covers a surface of 220 acres, and is from 45 to 50 feet deep; the other covers about 50 acres. The water is excellent, and its natural discharge, at the lowest gauge, is estimated at a million of gallons in 24 hours, which may be easily increased, if necessary, to any reasonable amount. The corporation has appropriated money for a "survey and profile" of the country through which the aqueduct must pass, &c.

Nantucket. The town officers are twelve in number—of these, four have the surname of *Coffin*, four that of *Folger*, and two that of *Gardner*.

Boston. A new party, called the "middling interest," has prevailed over what used to be called of old the "Junto" party, in the choice of city officers. Highest on the "middling interest" ticket, 2,098; do. on the "juntio," 1,745.

Baltimore. Inspections for the quarter ending 31st March 1822—103,450 bbls and 5,969½ bbls wheat flour, 3299 rye do. 1346 casks Indian meal; 3991 bbls. and 332½ bbls. pork, Baltimore packed, 867 bbls. and 139½ bbls. beef, do.; 14,051 bbls. and 364 large casks domestic liquors—with herrings, shad, lead, flaxseed, &c.

Massachusetts. The Boston Evening Gazette mentions, that the average number of convicts in the Massachusetts state prison, for the last three years, has been 250—the expenses of the prison, including officers' salaries, have been as follows: In 1819, \$5,372; in 1820, \$6,758; in 1821, \$7,290; or about \$26 per head annual cost.

Kentucky. The legislature has met for the purpose of regulating the congressional districts of the state, agreeably to the result of the late census and apportionment; but it appears as if some other business might be attended to. Mr. Leigh, the commissioner from Virginia, had addressed the legislature about the "occupying claimants law;" and the matter will, most probably, be received by Kentucky as it was by Virginia, through the commissioners from the former, last winter—very politely and in the most friendly spirit, but without any practical result. A motion to repeal the act establishing the bank of the commonwealth was negatived—for it 30, against it 60.

The Transylvania University now has 330 students, in the different classes.

Ohio. A special meeting of the legislature has been held for the purpose of districting this state for the election of members of congress, and a law for that purpose has been passed. There are 14 districts, each to choose one member. The ratio for the districts was 41,531.

Alabama. The Mobile "Register" gives an interesting account of the progress of the cotton trade of that port. The crop of 1817, furnished only 7000 bales for exportation; of 1818, 10,000; of 1819, 16,000; of 1820, 25,390; of 1821, 44,000! The total cotton crop of Alabama in 1821, is estimated to have amounted to 71,500 bales, and to have been worth three millions of dollars. A few years ago, not one pound was raised in the country that now forms this prosperous state.

Maintenance of the poor. By the judicious management of a farm provided for the employment of the poor at Newport, (R. I.) the expense of their maintenance was reduced from \$6,157 to \$1,958, being a saving of \$4,199; more than two-thirds of the whole amount. Thus, by verifying the precept that he who will not work shall not eat, the good people of Newport have been enabled to make the expense of supporting the poor, comparatively speaking, a light burden. Their comforts are said to be very much increased.

The militia of New York have been returned, as follows:

Infantry	100167
Artillery	9672
Cavalry	5853
Estimate of 9 brigades not returned	23000

138692

The real force is supposed to be at least 150,000 fighting men.

New military post. We learn that the war department has determined to establish a military post at the Sault St. Mary's, between lakes Huron and Superior. It is to be occupied by a detachment of 250 men of the 2d regiment, now at Sackett's Harbor.—*Buffalo Journal*.

Capt. Shaw. We learn that an order has been received from the navy department, placing capt. Shaw upon half pay from the date of his sentence by the court martial, and during the six months of his suspension. The idea which has been suggested, that he would receive his full pay and emoluments during this period, is therefore unfounded.

[*Bost. Pat.*]

Charleston, April 23. The following act of congress, and public notice, has been published at St. John's river, East Florida:

"An act of congress of the United States for the preservation of the timber of the United States in Florida.

"Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the president of the United States be, and hereby is, authorized to employ so much of the land and naval force of the United States as may be necessary, effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida; and also to prevent the transportation or carrying away any such timber as may be already felled or cut down, and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida."

"Notice is hereby given, that any vessel loading or attempting to carry away from the river St. John's, any live oak, cedar, or other ship timber, which has or may be cut on the lands belonging to the United States in East Florida, without proper authority, will be liable to seizure or judicial investigation; and all persons found cutting or destroying said timber, will be dealt with according to law.

"This, therefore, is to warn and forbid any person or persons concerned therein.

"On board the U. S. brig Spark, off the St. John's river, April 14, 1822.

J. H. ELTON, Master com."

[We learn that one object which the Spark has in view during her present cruise, is to enforce the provisions of the above act of congress.]—*Courier*.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

ERRATUM. It was the *French*, not the 'English' frigate *L'Africane*, that was wrecked on the Isle of Sable, as mentioned in our last.

It is oftentimes most difficult to determine the precedence of articles presenting themselves for insertion, and exceedingly unpleasant when the stock is large or voluminous—which a number of the documents yet on hand for publication in the REGISTER are; but we shall dispose of them as fast as we can, leaving a reasonable share of our paper for other matters.

Because that so much has been said about the "Rip Rap contract," we have commenced the publication of the report and the papers that accompanied it, in the present sheet. A huge quantity of matter belonging thereto yet remains behind, which we shall take the liberty of inserting in our small type to save room.

We do not intend to offer any remarks on this report, or that which is the subject matter of it. Let those who feel an interest in it, read and reflect for themselves; but on government-contracts generally, perhaps, a few words may be said to advantage.

It is a fact, that heavy contracts between the government and individuals are generally efficient only to bind the former, unless the contract proves to be profitable to the latter. If a person undertakes to perform some certain quantity of work when the price of a day's labor is one dollar, and the rate falls to 75 cents—he perseveres in the contract and makes an enormous and unreasonable profit out of it: but if the price advances to 125 cents, he cannot fulfill his contract without ruin, if able to fulfill it at all. And in most cases of the latter description, the contract is in some way avoided, if not of necessity abandoned—so the rule does not, and from the nature of things cannot, "work both ways," as the saying is.

To exemplify this in the case of the "Rip Rap contract." Let us say that this was a fair and honorable engagement at the time it was entered into—that the price agreed upon was equitable, according to then existing state of things. The amount of the compensation to be paid to Mr. Mix was fixed at \$450,000 for a certain quantity of stone, and for the performance of the contract on his part, Mr. Mix and two others gave bond in the sum of *twenty thousand* dollars only. It appears now that Mr. Mix, from the low price of wages and freight, is making money at an unreasonable rate; but suppose that the price of labor and freight had raised as much as they have fallen since the contract was entered into, what would have been the state of the case? If the bond was a good one, and we shall presume that it was, we might have sued it, and, let us say, have recovered its penalty, twenty thousand dollars—and here the matter would have ended: but if Mr. Mix shall make 100,000 or 150,000 dollars by the contract, as some say that he will, we cannot avoid it. Thus the government is bound to the whole extent of a contract, but individuals may release themselves from it in the manner just stated.

Now, I think that such unfair and disadvantageous operations might be generally prevented, in many ways—such as by refusing to make such exten-

sive contracts, by limiting them more closely to amount and time, by grading them according to some standard, real in its nature, or otherwise equitable and suitable as a measure of value. The "hurley burley" state of things during the war, for the prosecution of which there was so little method, and, from the condition of things and the political state of our country, (rent into parties and almost severed by prejudices), a regular, straightforward course could not be maintained, left behind it a vast accession of difficulties in the departments which time only could relieve us of—though, in my opinion, time has not been used, in all cases, to such good purposes as it might have been, and hence many of the remarks which have appeared in the REGISTER. But, in some respects, we have improved, and the lights of experience have not been utterly disregarded. It is more pleasant to commend than find fault: it is known to me that some important and highly advantageous arrangements in the business of the department of state, have been made by Mr. Adams—that Mr. Crawford has suggested and repeatedly urged certain momentous matters for a saving of the public money, &c.—that Mr. Calhoun has labored to reduce the expenses and give a more perfect system to his department; and Mr. Thompson has been zealous to effect similar purposes in the branch of business confided more immediately to his superintendence. In the present rage of electioneering, remarks of this sort are not calculated to please any one—but the dispassionate; men that can award praise and will bestow censure as either may be merited—who, by the bye, are not the largest or most influential class in society. "The million" will have *all* perfection or *all* iniquity. I cannot agree with it; not being a *partisan*.

But to return to the business of making contracts—there is a rule established in the war department, by direction of the secretary of war, that precisely meets my views of the right of the subject, in the belief that it is calculated to obviate some of the mischiefs to which they are liable.—The prices paid by contract for arms purchased by the United States, are thus regulated: a certain sum is now paid for certain quantities of work performed at the national armories at Springfield and Harper's Ferry, and by these the prices to be paid for muskets, &c. are graded—rising or falling as the price of labor is enhanced or diminished. Now this is fair and advantageous to both parties, and Mr. Calhoun deserves much credit for having adopted it. It is a stating point, I trust, from which great public and private good will flow, though we may regret that the plan was not before brought into operation. It is extremely difficult to fix a standard of value—perhaps, it is impossible to do it; and dollars and cents, if accepted by themselves, afford no criterion at all. The price paid to a common day-laborer, to be ascertained by some rule agreed upon and at certain places appointed, may best accomplish the purpose. We are incompetent, perhaps, to take an enlarged view of this subject, and time for it is not now allowed—but surely, the matter is of sufficient importance to bring out the views of our political economists for *practical* purposes.

TREASURY ESTIMATES. The "National Intelligencer" of Monday last, contains a document that accompanied the report of the committee of ways and means--(which report and all the papers annexed to it were registered more than a month ago), shewing the annual amount of the *estimated* receipts into the treasury and the *actual* amounts thereof, from the year 1802 to 1821, inclusive of both--see present volume, page 166. To this paper the editors have prefixed some very "grave and reverend" remarks about the *value of figures*, with cautions to persons "deceived by misrepresentations" and "insinuations," as to the merit of Mr. secretary Crawford, compared with that of his predecessors in the treasury department.

The fact may not have occurred to the editors of the "Intelligencer," but there is no manner of doubt that certain articles written by me, and published in the *Register* in December and January last, caused the production of this explanatory or vindictory statement: thus circumstanced, and always disposed to meet my own responsibilities, I have taken the matter to myself--and, with a spirit disposed to receive instruction, and even *reproof*, (if rightfully subject to it), considered the things set forth by my friends of the "Intelligencer"--who, I think, have themselves as much *misunderstood* the remarks upon the subject, as they suppose that others have misunderstood, or, to use their words, "misrepresented" the facts--guiding myself (because such I really was), as the origin of this business. The truth is, that they have incautiously fallen into the *common pit*, having neglected to distinguish between men and things; though a *principia non homines*, the well chosen and favorite sentiment of the president of the United States, is always before their eyes. Here is the grand mistake, which has been productive of more serious injury to this republic than any other that the people have committed: in their attachments to individuals they too often lose sight of the propriety of their proceedings, if the latter do not happen to partake of some notoriously infamous or unwise distinction--and, on the other hand, we are seemingly ready to ask, (if the question may be allowed), "what good can come out of Nazareth?"--as if the adventitious circumstance of being born in "Nazareth" should affect the qualities or rightfully lessen the reputation of a man.

The first of the series of essays that attracted attention and led to this exhibit by the committee of ways and means, was published in this paper on the 28th December, 1821--see vol 21, p. 258: and at the very outset I said--"Nothing is stated in opposition to Mr. Crawford, unless by a difference of opinion as to the future. I have simply opposed what he said one year to what he said in other years; nor is there in this the least spark of personal opposition--ITS OBJECT IS ONLY TO SHEW THE MISERABLENESS OF THE SYSTEM OF REVENUE WHICH IS BELIED ON, SO PRODUCTIVE OF MISERY TO BOTH TO GOVERNMENT AND PEOPLE BY ITS FLUCTUATIONS, BECAUSE IT DEPENDS ON THE CRIMES OR DISTRESSES OF FOREIGN NATIONS, OR THE WHIMS AND CAPRICHS OF THE RULERS--NOT ON THE PEOPLE OF THE UNITED STATES;" and it was on this principle, and this only, that the comparisons were made and presented to the public. I had not any thing to do with Mr. Crawford, personally, or with the president, individually, though the annual reports of the former and messages of the latter came under review--they were treated with a due regard to their merits and character; yet their respective anticipations were freely compared with the

results, to shew the "miserableness" of the present "revenue system," which I verily believe is incompatible with a liberal and enlightened administration of the people's affairs, *by reason of its uncertainty*. Up last year--down this; so much money at one time that we were completely at a loss to know what to do with it--and, a year or two afterwards, begging or borrowing to pay current expenses! At this moment ready, like the English glutton, to pay a guinea for an ortolan, a bird that has not three mouthfuls of meat in it, and an hour afterwards in absolute want of the commonest necessities. There is an old saying--"you must cut your coat according to your cloth"--but, in our political tailoring, we cut and slash away without knowing whether the cloth may not be wasted, or whether we shall have enough of it: and so sometimes the national coat has been much too big to be comfortable, and at others it has wanted a sleeve or a skirt, to keep out the cold or hide our nakedness. The political arithmetic of the system is no better understood than the question,--"if fifty rails make a cart load, how many will it take to make a great pile?"

It is not my present purpose to enlarge on the subject. Mr. Crawford's calculations are not more inaccurate than those of his predecessors. We do not know that it was ever attempted to shew that they were: but it was demonstrated that such calculations were fallacious, and, of course, injurious to the public interest: that they held out, as probable results for legislative proceedings, amounts that had varied from the real product as much as *seventy-three per cent.* in one year!

Why the committee of ways and means furnished the statement alluded to, I cannot tell. It could not operate in favor of the present system, to shew that calculations upon it had *always* been wild and visionary--that no man could depend upon them. And how was it, that, with this positive proof of the worthlessness of such calculations before them, the committee ventured on an estimate of revenue for 1822? Did they expect to accomplish that which they were endeavoring to shew it was impossible for any one to do?

THE VICE PRESIDENT. Mr. Tompkins has long been held up before the nation as a public defaulter, and, though the second officer of the government, he was so conditioned (by the wholesome provisions introduced into the appropriation laws), that he could not have drawn his salary--for he stood charged on the books as owing money to the United States. We propose to endeavor to make ourselves acquainted with the manner of keeping the public accounts at Washington, and ascertain why it is necessary for congress to pass *special laws*, providing that the affairs of individuals shall be settled "*according to the equity and justice*" of them; because we think that *all* accounts should be so settled, any rule or usage to the contrary notwithstanding. But, to relieve himself of this pretended debt and ascertain the rights of the case, Mr. Tompkins solicited a prosecution against himself, the United States not being subject to an action of the sort. The trial came on before the U. S. district court, held last week at New York. Many witnesses were examined, and the facts patiently investigated, by eminent counsel, before a highly respectable jury. At the very threshold of the business, it seems to have been evident that nothing was due to the United States, and the claim was given up: the effort of the U. S. attorney then, faithful to his cause, was to keep down the amount which Mr.

Tompkins endeavored to shew as being due to him; and it appears that he succeeded to a very considerable extent, for the amount finally certified to was much less than Mr. T. thought that it should have been. On the 6th inst. the arguments being concluded, "Judge Van Ness (says the New-York Gazette)" delivered a short but impressive charge to the jury, in which he commented upon the fact of the vice president having been held up to the world as a public defaulter; which, said he, is not considered as a common debtor, but implies a want of moral rectitude. He then adverted to the circumstance of his having been acquainted with the defendant in the *morning* of his days, when all was sunshine, but he now knew him in the *evening* of that life, when his circumstances had materially changed. He then proceeded to instruct the jury on several points in the case, and concluded by observing, that if they should decide on a verdict in favor of the vice president, it should be a *general* verdict; that is, if it appeared to them that he (the vice president) had produced evidence of claims equal to the balance alleged to be due by him to the United States, their verdict should be to that effect. He at the same time observed, that, if the jury were of opinion that government was indebted to him in a large amount, they might, as individuals, sign a certificate to that effect, which would not, however, be recorded, but might, at some future day, be of service to the vice president.

"The jury came into court at a quarter past five o'clock, and rendered a *general* verdict in favor of the defendant. They at the same time gave a certificate for a balance, which they considered as justly due from the government to the vice president, of \$136,799 97."

We have only to add just now, that this verdict has given more general satisfaction than any other that we recollect to have heard of, for a number of years. The people know that Mr. T. entered into the services of the late war a rich man, and that it left him a poor one—that his private means were used, without the least hesitation, when the public treasury was empty; and every body believes that he would have sacrificed his fortune and his life to the support of his country. With this feeling and situated as he is—the people are glad that a prospect is afforded of settling his accounts "*according to equity and justice.*"

Since the preceding was prepared, we notice the following article in the "National Advocate" of the 11th inst.

"In the statements that have appeared in different papers, of the proceedings that took place on this trial, [that above alluded to] there are some inaccuracies, as already stated, which it may be well to correct. What fell from the judge in relation to the certificate, which was asked from the jury by the defendant and his counsel, we are authorized to say has been misapprehended. His direction to the jury was, that if, on a full investigation of the accounts, they should be satisfied that the credits claimed and proved by the defendant were equal to, or greater in the aggregate, than the sum demanded by the United States in this suit, then they should find a general verdict for the defendant. That such a verdict was all that could be officially received or recorded. That any certificate they might afterwards think it just and proper to give to the defendant, they could only give as individuals, and it could form no part of the record or the legal proceeding in the cause."

DR. FRANKLIN. No man that ever lived had a more happy manner of expressing his opinions than this illustrious American, and "ornament of human nature," as Mr. *Jefferson* has said that he was, "even at the age of 80." His story about the Frenchman and his red-hot poker, which an Englishman refused either to have run into his body or to pay for the heating of, is almost universally known, as applicable to the contest of Great Britain with her then colonies, the present United States. On another occasion, on the authority of president Adams, he related the following fable, as applicable to the same matter at issue—

"An eagle sailing round a farmer's barn, spied in the yard a hare, and darting down upon him, seized in him in his claws, and mounted with him high in the air. But he soon found that the animal had grasped his body with her tere paws, to the great interruption of his wings, and had grasped his legs with her hind paws, so that he could with difficulty preserve his balance in the air: and what was worse, she had seized his throat with her jaws; and above all, he found, to his sorrow, that he had mistaken a cat for a hare! The eagle says to the cat, let go your hold and I will release you. Oh! no, said the cat, you brought me up here against my will, and I have no notion of falling from this height, to dash myself to pieces. You must *sloop* and set me down."

It is impossible to reflect upon the men and things of the American revolution, without being ready to apprehend that certain individuals were seemingly raised up to fill certain parts in the proceedings to be had for establishing the republic:—such as *Washington* for his cold, calculating discretion and patient courage; *Franklin*, for his wonderful mind and profound knowledge of things; *S. Adams*, for his zeal and skill in managing men; *J. Adams*, for his energy; *Warren*, for his amiable devotion; *Hancock*, for his firmness; *Jefferson*, for the beautiful simplicity of his principles and talents; *Greene*, for his resources in times of difficulty; *Puimau*, for his blunt honesty; *Gates*, for his perseverance and sincerity; *Wayne*, for his impetuousity; *Read*, for his incorruptibility; *Charles Thompson*, for his fidelity; *Henry*, for his eloquence; *Marion*, for his enterprize; *Morris*, for his skill in "ways and means;" *Dickinson*, for his moderation;—and so on through a list of heroes and sages, whose names are as lasting as the history of their country, and recorded in the hearts of their countrymen; among whom is that of *Chase*, who first declared independence in congress, and "swore by the Almighty that he owed no allegiance to the king of G. Britain." All these, and many other characters were necessary to fill up the various branches of business belonging to the state of the times, and that they accomplished the work gloriously, is the pride and boast of millions of freemen. No age presented a more splendid constellation of talents—none was ever more conspicuous for integrity. With an abundance of the means of corruption at hand, which the enemy was disposed to use most freely, one, only one, prominent person was purchased; and no one, having embarked in the revolution, ever drew back.

BRACERIDGE HALL. We have slightly mentioned this work of Mr. Washington Irving, regretting that its price prevented the extensive circulation which, we presumed, its merits and the reputation of the author, would otherwise have given to it. Not yet having seen it, except on a bookseller's counter, we notice the following extract from it, as given in an eastern paper:

"Brought up," says Mr. Irving, "as I have been, in republican habits and principles, I can feel nothing of the servile reverence for *titled rank*, merely because it is titled. But, I trust, I am neither churl nor bigot in my creed. *I do see and feel* how HEREDITARY distinction, when it falls to the lot of a generous mind, may elevate that mind into true nobility. It is one of the effects of hereditary rank, when it falls thus happily, that it multiplies the duties, and, as it were, extends the existence of the possessor. He does not think himself a mere individual link in creation, responsible only for his own brief term of existence. *He carries back his existence in proud recollection, and he extends it forward in honorable anticipation.* He lives with his ancestry, and he lives with his posterity."

Now, verily, to use a common phrase, this seems like "going the whole," and, perhaps, is as able a defence of hereditary distinctions as ever was made in the same number of words—it grants every thing that can be seriously claimed in behalf of privileged orders and separated ranks among the people. It is notorious that this body of men, the nobility, so called, of every country, are *always* the least virtuous and least useful of any; and there are many good and sufficient reasons why this should be the case—especially, because they are further removed from public opinion than other men, and have the less necessity to practice or pursue any thing beneficial to mankind. And what, indeed, is the real history of the greater part of the 'noble' families of England—what were the true causes of their separation from the common mass of the people?—"deeds without a name," acts that dare not meet the light—many of them elevated by the direction of such ministers as Walpole and Castlereagh, for prostitutions of principle and an abandonment of all that is esteemed honorable amongst high-minded men. How small would these appear if placed by the side of a *Washington*, and what would be their seeming *mind* if compared with that of a *Franklin*? They, themselves, irresistably influenced by the majesty of human nature, would cast down their fictitious honors at the feet of virtue and talents, and humbly acknowledge the superior rank of nature's noblemen. A good name is highly valuable—it often stands in lieu of a patrimony and answers the most interesting purposes of one;—we hardly suppose that Mr. Irving himself would give up his, of "*Washington*," to receive even that of *Wellington*; but it is well, indeed, that good characters cannot be monopolized like titles. The "most noble" lords are oftentimes the most ignoble men.

IRELAND. If the accounts received from this country are not much exaggerated, we have rarely heard of so great a famine as appears to prevail. Deaths for want of food are frequently reported in the newspapers, and *three fourths* of the population of certain counties are stated to be in actual suffering for the meanest articles of subsistence! In consequence, some warm-hearted person has proposed in one of our city papers, to raise funds to purchase provisions in the United States, to relieve the wants of the people of Ireland. The motive must be esteemed—but the writer should recollect that *foreign wheat* is cheaper in England than it is in the United States—that it has been brought from Liverpool to New-York, and there sold at a profit. All that we could do (and surely I myself would do double my own part, if I thought it would result in any practical good) would be as a drop in the bucket—but would England allow foreign grain to be eaten by the people of Ireland, to keep

them from starving, *if given in charity*? I apprehend that she would not. Her agriculturists are tenantry the jails, on account of the low prices of provisions, though British wheat sells at 25 or 30 per cent. more than foreign wheat, of as good quality, may be imported at—and nearly 700,000 quarters of the latter, or say 5,600,000 bushels were on hand; not one grain of which could be sold for home consumption, even though offered for the relief of the poor at a penny per bushel! Such are the British laws, that a gentleman in the United States cannot make a present to a friend in England of a barrel of superior flour, unless it is smuggled! The conduct of England as to Ireland, is according to the plan once projected in the former, to prevent the people of the latter from catching herrings in *their own bays*, because it injured the British trade in that article! I do not know how the law stands—but the probability is, that a cargo of flour sent from the United States, to be given without price to the people of Ireland, would not be admitted to an entry, but have to be bonded for "exportation." Such would be the case in England, at this time.

RUSSIA. A new tariff is published—sugar, in loaves and crushed, cottons and mixed cotton stuffs, nankeens, silk stuffs printed, and linen of all sorts, are *prohibited*. The duties on woollens, such as cloths and cassimeres, are raised one fifth—except those dyed green or black, or white, which are prohibited. Worsteds are raised one fourth, and flannels advanced from 20 to 50, for duty.—Mixed silk stuffs and tolinets, &c. are doubled.—The emperor seems to have been possessed of the *notion* that some regulations for the protection of the industry of his own people, might not be improper—seeing that other nations practice the policy and have caused it to act against the prosperity of his empire.

The probable design of Alexander to possess himself of Turkey, and by that possession to acquire the means of creating a naval power, second only (if it should not be *ultimately* superior), to that of Great Britain, has brought down upon him the indignation of many of the *loyal and legitimate* editors—for which, no doubt, he is sorry—very sorry, indeed! When he takes Turkey, *as he will surely do*, if not now, before long, unless he is assassinated (as his father was—whose death was predicted in London), or otherwise speedily disappears from the stage—when he raises up a naval power that will at least command the Mediterranean, as he very easily can do—when he looks to Egypt and casts his eye over the British possessions in India, which he regards as Napoleon Bonaparte regarded them—then will the friends of *legitimacy* in the United States and in Europe, be ready to agree with what I have said many times—that *Napoleon, Alexander* and the government of George, were influenced by the same principle of domination and lust of authority. They will also be ready to say, that, as the unjust opposition of Great Britain to the revolution in France raised up Bonaparte, so the necessity to allay or cast out one devil that had crossed their own unhallowed path, has created another that may devour them. When the contest takes place, we shall regard it with perfect indifference, except with a wish that these *powers*, like the Kilkenney cats, may destroy each other to their very "tails."

MONEY. The New-York canal loan of 600,000 dollars has been taken by the Mechanics and Far-

mers bank of Albany, at a premium of one and a quarter per cent. for six per cent. stock.

It would seem, from what is noted in the Boston papers, that there has been an uncommon pressure for money in that city, which had caused numerous failures, some of them very unexpected and for large amounts.

The prospect about money-matters is thus set forth in a letter from London, dated April 29, which states that the British chancellor of the exchequer has intimated to parliament an intention immediately to propose a bill to enable the bank of England to issue one pound notes, and to return to the paper system. "The consequence," says the writer, "must be an immediate rise in the prices of every thing here. Iron, copper, and all the rough materials of the articles made in this neighborhood, will start first; provisions next; labor, which has been very much reduced, will follow; and you will find that, henceforward, we shall be buying on a rising, instead of a falling market. The prices of cotton, tobacco, and other articles, will also rise, and this will bring down exchange in America, assisted by the return of the gold which has been accumulating in this country for three years, which will be driven out again by the paper money, and will return to other countries, to increase the quantity of the circulating medium and raise prices there also. A season of speculation and apparent prosperity is about to revisit us; trade will grow very brisk again; the credit system will revive; banks and bankers, both here and in the United States, will lend money freely; business paper, will wonderfully increase in quantity, and, being easily discountable, will cause a monstrous addition to the circulating medium, and, as I said before, will raise the price of every thing."

ILLINOIS. Many persons have doubted the possibility of raising cotton, as a crop, in the state of Illinois, though cases of the sort have happened. A correspondent, who resides in St. Clair county in that state, and who informs that he is a "Carolinian," well acquainted with the culture of cotton, says that, at Cherry Grove, 18 miles east of St. Louis, one of his neighbors ploughed up a part of the prairie, harrowed and planted it with cotton, which yielded 1500 lbs. to the acre, in the seed—equal to 375 lbs. clean—the ensuing season he sowed the same land with oats, and harrowed them in—the product was 50 bushels to the acre; only one ploughing having been had to raise the two crops.

He adds, that another of his neighbors raised 1,100 lbs. of cotton in the seed to the acre—that sheep do well in that country, and that hemp will grow abundantly.

CONNECTICUT. The project of districting this state, for the choice of representatives in congress, failed at the late session—for it 90, against 95. We have always contended that the practice ought to be uniform, regulated by a provision of the constitution of the United States, and why the various efforts to amend that instrument, in this respect, have been set aside, we never could understand. We are of opinion that the choice of representatives and electors of president should be made in districts, each electing one person only—but, whether this is the best plan that can be adopted or not, it must, nevertheless, be agreed, that one practice should obtain throughout the United States, to prevent certain disgraceful jugglings; such as we have seen in party contests for power.

CAPTAIN HULL—the conqueror of the *Guerriere*, in consequence of certain matters that have been stated, in relation to some late trials at Boston, has requested a court of inquiry into his own conduct—which the secretary of the navy has declined to institute, as being "entirely unnecessary."

INTERNAL IMPROVEMENTS. The National Intelligencer has published the letter of the president of the United States to the house of representatives, submitting his views on the subject of internal improvements—which we shall copy as soon as we are able.

BONNETS. A large establishment for the manufacture of bonnets, in imitation of the Leghorn, is about to be founded at Wethersfield, Connecticut, under the superintendence of Mrs. Sophia Wells, famous for her skill in works of this sort.

LAW CASE. Mr. Justice Johnson, at a late circuit court holden at Charleston, in the case of the United States vs. Kelly, has decided, in opposition to the doctrine laid down in a recent case by Mr. Justice Story, that when the collector, as the agent of the United States, has taken bonds for the payment of duties on goods imported, with security which he deems sufficient, the consignee, if not a party to the bond, is discharged from all further liability.

HOLLAND. The following article, dated "Departement of state, 7th of June, 1822," has been published in the National Intelligencer:

"Authentic intelligence has been received at this department, that the king of Holland, by a decree of the 20th March last, has ordered that the charge for pilotage shall be the same on American and Dutch vessels within his states, and that restitution shall be made to the parties of all moneys that have been paid on account of the late additional imposition.

"This notice is published for the information of all such as may be interested."

THE PAPER SYSTEM. The Boston Galaxy, after noticing the establishment of a new bank at a village in Massachusetts and the great amount of its paper thrown into circulation, thus proceeds: "The Franklin bank is located at Greenfield, a small neat village, near the confluence of Deerfield and Connecticut rivers, and considerably celebrated for conference meetings, intellectual ladies, and hen-pecked husbands. We have not been so fortunate as to get a view of one of these bills; but the following device is respectfully offered to the directors to be engraved for a new emission, if they have not already adopted a similar one, viz: Let there be a representation of the inside of the bank, the president at his desk engaged in prayer,—the directors playing at all-fours,—the discount clerk keeping the game,—the cashier, (being also a member of the Temperate Society) mixing a pitcher of brandy toddy,—and the teller counting out religious tracts.—Over the whole group let there be a domestic hen, flapping her wings, and holding in her beak, a cock half-stripped of his feathers, his spurs broken off and his majestic comb dropping blood. If there be a vacancy in the back ground, it may be filled with a thin, weazle-faced, spindle shanked broker, a rusty jack knife in one hand, to denote his profession, Hopkins' Body of

Divinity in the other, as emblematic of his religion, and the noose of a bell-rope round his neck, to designate how he made his money, and to what destination his love of money will bring him at last.—With this emblematic engraving, the whole tribe of counterfeiters, past, present, and to come, may be set at defiance."

INDIANS The following is Dr. Morse's estimate of the number of Indians in the United States:

In New-England, nine tribes, 2,247 souls. In N. York, ten tribes, 4,840 souls. In Pennsylvania, thirty years ago, three tribes, 1,300 souls, in number at this time not known. In Ohio, fifteen tribes, 2,047 souls. In Michigan and N. W. territory, thirty six tribes, 27,480 souls. In Indiana and Illinois, 14 tribes, 15,522 souls. Southern Indians east of the Mississippi, twenty tribes, 66,487 souls. Total number east of the Mississippi, 20 tribes, 120,283 souls. North of Missouri and west of the Mississippi 13 tribes, 41,350 souls. East of the Rocky Mountains to the Mississippi and between Missouri and Red river, or west of the Mississippi to the Rocky Mountains, 36 tribes 105,021 souls. Between Red river and the Rio del Norte, 42 tribes, 105,021 souls. West of the Rocky Mountains, 87 tribes, 145,600 souls. Whole number west of the Mississippi, 537,341. Total number in the United States, besides about 5,000 in Florida, and ten tribes (number not known) inhabiting the Upper Mississippi, 457,642 souls.

AMERICAN COLLEGES.

Names and Presidents.

Yale college, rev. Jeremiah Day, L. L. D.
Cambridge University, rev. J. T. Kirkland, D. D.
L. L. D.
Brown University, rev. Asa Messer, D. D.
Williams College, rev. Edward D. Griffin, D. D.
Dartmouth College, rev. Bennet Tyler.
Princeton College, rev. Ashbel Greene, D. D.
Union College, rev. Eliphalet Nott, D. D.
Hamilton College, rev. Henry Davis, D. D.
Middlebury College, Maine, rev. J. Bates, D. D.
Bowdoin College, Maine, rev. W. Allen, D. D.
Dickinson College, Penn. rev. J. M. Mason, D. D.
Columbia College, S. C. Thomas Cooper, M. D.
Columbian College, rev. W. Staughton, D. D.
North Carolina University, rev. J. Caldwell, D. D.
Transylvania University, rev. H. Holly, D. D.
University of Georgia, rev. Dr. Waddell.
University of Vermont, rev. Daniel Haskell.
Waterville College, Maine, rev. D. Barnes.
Washington College, Penn. rev. A. Wylie.
Jefferson College, Penn. rev. Mr. M'Millan.
Alleghany College, Penn. rev. T. Alden, D. D.
William and Mary College, Va. Dr. Smith.
Columbian College, N. Y. Wm. Harris, D. D.
Greenville College, Tenn. rev. Dr. Coffin.
Worthington College, Ohio, P. Chace, D. D.

FOREIGN NEWS.

Erect Britain. The "Scotch Greys" had been called out to suppress certain disorderly proceedings that occurred in Monmouthshire—in the attacks made upon persons who were thought to work in the mines at prices which were considered too low: and such is the state of the agriculturists in this county that many farmers have clandestinely deserted their farms.

The motion made by Mr. Canning for the admission of Catholic peers into the house of lords, has

prevailed in the house of commons by a majority of five votes—the extraordinary number of 493 members being present. It is a "tub to a whale"—it being perfectly understood that the other house will reject the measure.

It appears from a paper lately laid before parliament, that "the amount of the taxes repealed since the termination of the war, after deducting the amount of those imposed, is little short of seventeen millions per annum." Yet the taxes are so heavy that the farmers cannot live without a home-monopoly of the supply of bread stuffs and meats!!

A very fine Turkish frigate of 40 guns, has lately been fitted out at *this majesty's* dock at Deptford. Is this "war in disguise?"

Oliver, the infamous British spy, lives at the Cape of Good Hope, calling himself William Jones, and holds a place under government worth 500*l.* a year.

France. It appears by a speech of Mr. Girardin, in the chamber of deputies, that the private correspondence of the public is regularly violated in the French post-office.

"The secret bureau," said Mr. Girardin, "is supported at great expense. At least thirty clerks are employed in it—I can tell you who pays them the money they receive. I can also tell you that a passage from the cabinet of the director of the posts leads into the secret offices. The entrance of it is shut by a concealed door. As soon as this is opened, we find ourselves in the offices of persons charged to discover the keys to the different cyphers employed in the correspondence, or in the workshops of engravers occupied in taking impressions on plates of lead of the impressions of the arms and seals which are employed to secure letters. These letters are finally carried to a kind of laborator, where there are instruments of a very peculiar construction—close fires to melt the wax, and cauldrons of boiling water to loosen wafers. In short, all is mystery in this subterraneous asylum, and the men employed to discover the secrets of every body, are themselves secret to the world."

After some further observations, he observed, that, if this office was not given up, he would take another opportunity to state things which prudence at present induced him to withhold.

Russia. Several great mercantile houses have failed at Petersburg, Moscow, &c. some of them for more than two millions of roubles.

Rio de la Plata. The United Provinces furnished 4562 men to co-operate in the establishment of the independence of Peru. The different corps are named, and the particular number of the officers given. The latter were 3 colonels, 8 lieut. colonels and 11 majors—six chaplains and two surgeons, &c.

MEXICO. The following was put down by a French traveller, as the value of the products brought to Vera Cruz during the year 1860:

	Worth in dollars.
In bars of gold and silver	17,000,000
Cochineal	2,400,000
Sugar	1,300,000
Flour of maize	3,000,000
Indigo	250,000
Salt provisions	100,000
Tanned leathers	400,000
Sarsaparilla	100,000
Jalap	75,000
Soap and pimento	500,000

Total about \$25,000,000

O'Connor's Irish Chronicles.

FROM THE LONDON MONTHLY MAGAZINE.

Early in April will be presented to the public, the long expected *CHRONICLES OF ERIN*, commencing from the earliest point of marked time,—and carried back traditionally by Eolus, prince of the Gael of Sciolt, of Ib-er, who ruled in Gael-ag fourteen hundred years before Christ, through a period of several thousand years. They still exist in ancient parchment rolls, in the Phœnician or Gaelic language, having been for many centuries in possession of the O'Connor family; and several of them have been deposited at the office of this Magazine, for the inspection of the learned and curious. The present translation has been the labor of thirty years, by the head of the O'Connor family, who has prefixed a copious dissertation of the entire subject. These Chronicles correct the prevalent errors respecting the language and religion of this people; clearly shewing the former to be Phœnician, the latter not to be Druidic. They demonstrate the origin of the tribe, and point out the precise time of their emigration from Ib-er, by way of Aoi-mag and the Mediterranean, to Gael-ag, the present Galicia in Spain. They synchronize exactly with the traditions of the Hebrews, concerning the overthrow of the Scythian dominion in Asia, and the establishment of Es-oir (the Assyrian), on the ruin thereof; and the building of Babylon and Ninevah. They represent Noe, Japheth and Og, in their true characters, and explain satisfactorily the passage of Genesis, saying—"And the beginning of the kingdom was Babel, &c. in the land of Shinar: out of that land went forth Ashur, and builded Ninevah." The Chronicles strip events of the figurative dress in which the Hebrews have decked them, whilst the identity is not to be mistaken. They give the true original names of the rivers Indus, Tygris, Euphrates; the Euxine and Hyrcanian seas; the mountain of Caucasus; the countries of Armenia, Colchis, Iberia, Albania, Phœnicia, and Spain: and all the rivers, mountains, promontaries and principal places, in Galicia and Biscay in Spain. They describe the commerce of the Phœnicians with the southern parts of Britain; and mark the period when the Isles of Sicily were separated from the main land. The explain the signification of the term *Cassiterides*, and the reason of the name applied by the Phœnicians, for the purpose of deception, to preserve the monopoly of the mines, from which they drew a great revenue.

They prove that the stone called *Jacob's Pillow*, guarded with religious care in Henry VIII's chapel, in Westminster abbey, is not *Lisfail*, the celebrated stone of destiny, on which many of the kings of Er-I were crowned; which Feargus, the son of Ere, was permitted to take with him to Ailb-bin to give him assurance, according to the idea of the times, of the establishment of his race in Ailb-bin. They shew that *Done* is the most ancient name of the people of Danemarc; and they fix the era of the arrival of Gael, of Feotar, in the northern part of Britain, and of the Scythian Brigantes, in Lancashire, Yorkshire, Westmoreland, Cumberland and Durham. They confirm the accuracy of the traditions of the Hebrew as to the colonization of the isles of the Gentiles, by the posterity of Javan. They set at rest forever all the whimsical conjectures concerning the time and circumstances of the Gael's arrival in Er-I, the name of the island and many more important matters, too numerous to insert in this place. From the time of Eolus, these

Chronicles were written by the Ard-olams of Gallicia, for the time being; and from the era of the arrival of this colony in Er-I, they were the work of the Ard-olams of Ulla'd, and publicly read by them in the presence of kings, princes, nobles, olams, heads of people, and judges named, when assembled, at the mound of Tob-rad, the place of meeting of the great congregation of Er-I.

Colombian Republic.

Laws of Colombia relative to the naturalization of foreigners.

The mode according to which foreigners can attain naturalization in Colombia is fixed by a law of the 3d of Sept. 1821, as follows:

The foreigner, desirous of naturalization, must renounce all allegiance to, and titles of employ he may hold from any other government, and swear to the laws and constitution of the republic. 2d. He must bring with him some trade or useful mode of subsistence, and, after having made known to the municipality of the town in which he resides, his wishes to become a citizen, he must reside in the country *three years*.

If, however, he obtains a landed property, in the country, of the clear worth of 1000 dollars, *two years* residence suffice; if of 2000 dollars, *one year's* residence; if he marries with a native of Colombia, *six months*, and if he acquires a landed property of 6000 dollars value no period of residence is required.

3. Having complied with the above conditions, he applies for a letter of naturalization to the governor of the province in which he lives, accompanying his memorial by the necessary proofs, and statement of his family and condition; the governor forwards this memorial with what observations he may deem necessary to the executive,—who remits, through his hands, the letter of naturalization, on the receipt of which, and on taking the necessary oaths, such foreigner becomes in all respects entitled to the rights and privileges of a citizen of Colombia.

From the Philadelphæa Aurora.

Translations of a note presented by M. F. ZÉs, to the French minister for foreign affairs, and the ambassadors and ministers of foreign powers at Paris:

"The undersigned, envoy extraordinary and minister plenipotentiary of the republic of Colombia to establish political and commercial relations with the powers of Europe, has the honor to address, in pursuance of the orders of his government, to his excellency the minister for foreign affairs, the following communication:—

"The report of the struggle which America has just maintained against Spain, has resounded throughout the world. If it be admitted that ignorance may still exist respecting its marvellous details, no doubt can arise upon the immense results obtained by force of battle and victories. Oppressed America, enslaved for three centuries, has shaken off the yoke of the mother country. Spain is no longer any thing beyond the seas which wash the shores of the peninsula.

"In short, America has attained her due place—the increase of her population, the progress of intellect, a thousand new wants, which the mother country could not supply, render the crisis inevitable. Spain depopulated, without a navy, without industry—could she have retained longer under laws, an entire continent, separated from her

by the vast ocean? Independence then has done no more than re-establish natural order, and to put a period to those infinite evils, that such an ill matched connection necessarily produced.

"Spain, driven forever from the shores of America, has no means of returning there. Divided in its interior, destitute of influence without, deprived of the mines of Mexico and Peru, where could she obtain soldiers for distant expeditions? How could she meet the expenses of armaments necessary to re conquer what she has lost?

"The ports, the harbors, and the fortified places are in the power of the Americans; all the emblems of European supremacy have disappeared. The lions and towers of Castile have given place to the colors of independence and liberty. In these vast countries, which were so long the source of Spanish greatness, and the theatre of foreign domination, there remains nothing but the scattered bones of the warriors who were sent to oppose themselves to our destinies. On every hand nascent states are forming, founded upon the same basis, equally favored by nature, powerful in resources, confident in a future which cannot deceive them. The climate alone would protect them against rash invasions, if the tried courage of the inhabitants did not offer the best of all guarantees.

"Among these states rises that of Colombia—twelve years of an implacable war could not subdue her, nor even slacken her march. Colombia has gathered the fruit of her noble exertions—she is free, sovereign, and independent. Very soon all these new states will form a complete solemn association, and will fix, with common accord, the basis of that grand confederation, against which every foreign attack would be more absurd than dangerous. The coalition of the rest of the civilized world, if it were possible, would miscarry before this barrier.

"Thus arrived at the point where she finds herself assimilated in fact and in right to all existing nations, wishing to live amicably with all people, America has only to obtain her recognition by the great family of which she forms a part, and to which her association cannot fail to offer many advantages.

"It is with this view that the undersigned, minister plenipotentiary of the republic of Colombia, has the honor to address his excellency the minister of foreign affairs, to communicate to him the intentions of his government.

"The republic of Colombia is established, and its government is in full activity; Spain no longer possesses any thing upon its territory, and an army of 60,000 men, supported by an army of reserve of the same force, secures the existence of Colombia.

"The republic has every characteristic of all the recognized governments upon earth; she does not ask any of them by what means, or by what right they rule—they exist, and this is all that concerns her to know. Colombia respects all that exists; she has a right to reciprocity; she demands it, and this demand is dictated neither by interest nor by fear; either one motive or the other is unworthy of a generous and free nation.

"Who could make an attack upon her? Who could either add to her wealth or diminish it? Of whom has she been? And among all nations known, where is there one that does not aspire to establish commercial regulations with her? Colombia has an innate consciousness of her strength? If she invites all nations to share treasures which nature has lavished upon her, it is rather from a sentiment of generosity than a spirit of calculation.

"Whoever will approach Colombia with pacific and benevolent intentions, may draw in full security from the common source of our riches. Such is the single basis of the relations which we are desirous to have with all the people of the earth—cordiality, liberty, reciprocity. The jealousies, the distrusts, which formerly separated the various nations and armed them one against another, are banished from the legislation, as well as from the spirit of our fellow citizens. We will never falsify the philanthropic principles for which blood has flowed in such abundance upon the field of battle and the scaffold.

"But, after having thus fulfilled all her duties with regard to other nations, Colombia owes it to herself to require that her own rights be equally recognized;—Colombia holds her possessions from no person; she has originated herself, and reckons upon her own means of support. Independent, strong, free, and invulnerable, she obeys no sentiment but that of general benevolence; she aspires to render the relations of all those who will treat with her, easy, amicable and useful.

"An extensive and rich continent, inhabited by civilized people, cannot remain foreign to the rest of the world; it would always be difficult to conceive relations durably advantageous, and such as the interest of commerce requires, between states of which the government do not recognize each other reciprocally.

"These unequivocal principles, these powerful considerations, impose upon the undersigned the obligation of communicating to his excellency the minister of foreign affairs, the intentions of his government, to which the undersigned, in communicating to his excellency the sentiments and principles of his government, urges the necessity of a prompt reply. His excellency is too enlightened not to perceive the motives of such a demand on the part of a government, whose seat is at so great a distance; and which, being occupied at the same moment with its interior organization, and the establishment of its foreign relations, cannot admit either the delays or the minutiae of proceeding, of which it believes that, according to ancient usage, it might well avail itself in these new circumstances, and of which the novelty even is an additional motive for desiring the prompt solution which Colombia looks for with equal confidence in the enlightened views of the government of ——— and its own strength.

"The undersigned eagerly embraces this opportunity of presenting to his excellency the minister of foreign affairs the assurance of his highest considerations.

(Signed)

"F. A. ZEA."

"Paris, April 8, 1822."

Laws of the United States.

An act to amend an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth March, 1802.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the seventh section of the act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," shall be, and the same is hereby, repealed; and, from and after the passing of this act, it shall be lawful for the superintendents of Indian affairs in the territories, and Indian agents, under the direction of the president of the United

States, to grant licences to trade with Indian tribes; which licences shall be granted to citizens of the United States, and to none others, taking from them bonds with securities, in the penal sum, not exceeding five thousand dollars, proportioned to the capital employed; and conditioned for the due observance of the laws, regulating trade and intercourse with the Indian tribes; and said licences may be granted for a term not exceeding seven years, for the trade with the remote tribes of Indians beyond the Mississippi, and two years for the trade with all the other tribes. And the superintendents and agents shall return to the secretary of war, within each year, an abstract of all licences granted, showing by and to whom, when and where granted, with the amount of the bonds and capital employed, to be laid before congress, at the next session thereof.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the president of the United States, in execution of the power vested in him by the twenty-first section of the act of the thirtieth of March, one thousand eight hundred and two, aforesaid, to which this is an amendment, to direct Indian agents, governors of territories, acting as superintendents of Indian affairs, and military officers, to cause the stores and packages of goods of all traders, to be searched upon suspicion or information that ardent spirits are carried into the Indian countries by said traders, in violation of the said twenty-first section of the act to which this is an amendment; and if any ardent spirits shall be so found, all the goods of the said traders shall be forfeited, one half to the use of the informer, the other half to the use of the government, his licence cancelled, and bond put in suit.

Sec. 3. *And be it further enacted*, That all purchases for, and on account of, Indians, for annuities, presents and otherwise, shall be made by the Indian agents and governors of territories, acting as superintendents within their respective districts; and all persons, whatsoever, charged or trusted with the disbursement or application of money, goods, or effects, of any kind, for the benefit of Indians, shall settle their accounts, annually, at the war department, on the first day of September; and copies of the same shall be laid before congress at the commencement of the ensuing session, by the proper accounting officer, together with a list of the names of all persons to whom money, goods, or effects, had been delivered within the said year, for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquent, if any, in forwarding their accounts according to the provisions of this act.

Sec. 4. *And be it further enacted*, That, in all trials about the right of property, in which Indians shall be party on one side, and white persons on the other, the burthen of proof shall rest upon the white person, in every case in which the Indian shall make out a presumption of title in himself, from the fact of previous possession and ownership.

Sec. 5. *And be it further enacted*, That it shall and may be lawful for the president of the United States, from time to time, to require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects, of any kind, for the benefit of the Indians.

Sec. 6. *And be it further enacted*, That the president of the United States, by and with the advice and consent of the senate, may appoint a superin-

tendent of Indian affairs, to reside at St. Louis, whose powers shall extend to all Indians frequenting that place, whose salary shall be fifteen hundred dollars per annum; and one agent for the tribes within the limits of East and West Florida, with a salary of fifteen hundred dollars.

Washington, May 6, 1822.--Approved.

An act to abolish the United States' trading establishments with the Indian tribes

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the president of the United States shall be, and hereby is, authorized and required to cause the business of the United States' trading houses among Indian tribes, to be closed, and the accounts of the superintendent of Indian trade, and of the factors, and sub-factors, to be settled; and, for that purpose, the president is hereby authorized to select, from among the Indian agents, or others, a competent number of fit and suitable persons, to be and appear at the office of Indian trade in Georgetown, in the district of Columbia, and at each of the trading houses established among Indian tribes, on or before the third day of June next, or as soon thereafter as can conveniently be done, to demand and receive of and from the superintendent of Indian trade, and of the respective factors, and sub-factors, all the goods, wares, and merchandise, furs, peltries; evidences, of debt, and property and effects of every kind, which may be in their power or possession, by virtue of their respective offices, and justly due and belonging to the United States; and the said agents, selected for the purpose aforesaid, shall be furnished with the copies of the latest quarterly returns of the said superintendent, factors, and sub-factors, as rendered by them to the treasury department, and copies of any other papers in the said department, which will shew what is, or ought to be due and coming to the United States, from the said office of Indian trade in Georgetown, and from each of the trading houses established among Indians.— And the persons so selected shall enter into bond, with good and sufficient security, in such sums as may be required by the president of the United States, for the faithful discharge of the duties enjoined on them by the provisions of this act. And, from and after the third day of June next, the act of the second of March, one thousand eight hundred and eleven, entitled “An act for establishing trading houses with Indian tribes,” shall be continued in force for the purposes only of enforcing all bonds, debts, contracts, demands, and rights, which may have arisen, and all penalties and punishments which may have been, or may be incurred, under the provisions of the said act, and for the settlement of the accounts of the superintendent, factors, and sub-factors, at the treasury department.

Sec. 2. *And be it further enacted*, That the goods, wares, and merchandise, which shall be delivered over to the agents of the United States, under the provisions of this act, shall be placed at the disposition of the president of the United States, subject, under his orders, towards satisfying or extinguishing the treaty obligations, on the part of the United States, to keep up trading houses with the Indians; also, towards the payment of annuities due, or to become due, to Indian tribes; also, in making the customary presents to tribes or individuals, in amity with the United States, and the surplus, if any, may be sold to the best advantage, under the orders of the president, and the proceeds paid over to the treasury of the United States,

Sec. 3. *And be it further enacted*, That the furs, peltries, effects, and property received under the first section of this act, shall be sold in the manner the president may direct; the debts due and owing shall be collected under his orders; and all the money received from these sources, and all that shall be received from the superintendent of Indian trade, and from the factors and sub factors, shall be paid over, as fast as received, into the treasury of the United States: *Provided*, That such sums may be retained and applied, under the orders of the president of the United States, as may be necessary to defray the expenses of carrying this act into effect.

Sec. 4. *And be it further enacted*, That, as soon as may be, after the commencement of the next session of congress, the president of the United States shall communicate to congress the manner in which he shall have caused this act to be executed, shewing the amount of moneys, furs, peltries, and other effects, and the amount and description of goods, wares, and merchandise, and the actual cash value thereof, received from the superintendent of Indian trade, and each of the factors and sub-factors, under the provisions of this act.

PHILIP P. BARBOUR,

Speaker of the house of representatives.

JOHN GAILLARD,

President of the senate, pro tempore.

Washington, May 6, 1822—Approved.

JAMES MONROE.

An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That any officer, volunteer, ranger, cavalry, or other persons, engaged in the campaign of one thousand eight hundred and eighteen, against the Seminole Indians, who has sustained damage by reason of the loss of any horse or horses, which, in consequence of the government of the U. States failing to supply sufficient forage, while engaged in said service, died, or were unavoidably abandoned and lost, shall be allowed and paid the value thereof.

Sec. 2. *And be it further enacted*, That said officers, volunteers, and rangers, cavalry, or other persons, for the loss of any necessary equipage of said horse or horses, or for any guns lost in said service, or which were left in possession of the United States or of any officer thereof, shall be allowed and paid the value thereof; said claims to be paid out of any moneys in the treasury, not otherwise appropriated: *Provided*, That, if any payment shall have been made to any officer or soldier aforesaid, for the use and risk, after the death or abandonment of his horse, such amount shall be deducted from the value thereof, unless said officer or soldier will shew that he was remounted, in which case the deduction shall only extend to the time such officer or soldier served on foot: *And provided, also*, That, if any payment shall have been made to any officer or soldier, on account of clothing, such payment shall be deducted from the value of his horse or accoutrements: *And provided further*, That no claim shall be allowed under the provisions of this act, until proper evidence shall have been received by the accounting officers, from the company to which the claimants shall have belonged, shewing the number of horses lost in said company in manner aforesaid, the time when lost, and the name of the owner.

Sec. 3. *And be it further enacted*, That the accounting officer of the treasury department shall

audit and settle those claims under such rules and regulations as the president of the United States may prescribe.

PHILIP P. BARBOUR,

Speaker of the house of representatives.

JOHN GAILLARD,

President of the senate pro tempore.

Washington, May 4, 1822—Approved.

JAMES MONROE.

CHRONICLE.

James Lloyd, esq. has been elected a senator of the United States from Massachusetts, in the place of H. G. Otis, esq. resigned.

Alleghany college, at Meadville, Pennsylvania, is a very flourishing establishment, furnished with a library only inferior to that of one other similar institution in the U. States and provided with able professors and teachers. "Western Star Lodge," at Meadville, has commenced a subscription for the purpose of endowing an *architectonic professorship* in this college; the proceeding has been approved of by the Grand Lodge of Pennsylvania, and the Masonic society is generally solicited to contribute to the fund, and accomplish an object so important. Salt is advertised at Shawnee town at *thirty-seven and a half cents per bushel*.

Gen. Arnold. The children of this traitor receive a pension of 500l from the British government—so says the Charleston Courier.

The north west. On the 24th ult. Major Delafield, Mr. Ferguson and Lieut. Whistler, gentlemen attached to the boundary commission, with the necessary workmen, left Black Rock in the schooner Red Jacket, for the Upper Lakes. The party are bound eventually for the Lake of the Woods; it is expected they will be absent 18 months, and during that period complete the necessary surveys in that quarter.

Silk—several manufacturers of silk goods are said to be doing well at New-York, Boston, &c.—The printed silk handkerchiefs are highly spoken of.

Cotton. New mills are every where erecting or old establishments improving. One concern in N. Hampshire is preparing to run twenty thousand spindles. Our cotton goods are in great demand in South America, Cuba, &c. on account of their very superior quality. The export is large and rapidly increasing.

Wool—eleven pounds, well washed, was lately sheared from one sheep on Long Island.

Boston. The "ancient artillery company" lately held its annual election, at which there was much ceremony, concluded with a good dinner, as customary, at which there were many distinguished guests.

This company was established in the year 1638, and is now in the highest state of perfection. It has been well called "the soul of the soldiery," and the most distinguished military men of the neighborhood are anxious to be enrolled among its members. The corps now amounts to 217, of whom there are—1 commander in chief,* 4 major generals, 9 brigadier generals, 12 colonels, 14 lieutenant colonels, 23 majors, 59 captains, 46 lieutenants, 29 ensigns, and 29 privates.—Total 217. Of these there are 72 who are not liable to do military duty, and 116 officers who perform duty in other corps.

After the reading of a complimentary letter from president Adams, the following toast was drank: "The fisheries, the *sine qua non* of the peace

* Governor of Massachusetts.

of '83--The Indian territory, that of 1814--To those who make such demands, we will reply in the motto of the Adams who rejected them, "Piscemur, venimur, ut olim." *"We will fish and hunt as we always have done."*

The public schools of Boston were lately visited by the committee. There were present 1,910 children. Their condition was pleasing--the best order prevailed, and their exercises afforded much satisfaction.

New York. The city directory, just about to be published, will contain about twenty six thousand names.

Philadelphia. Bills of mortality for the entire year, ending 31st December, 1821. Total 3,172--greatest number in August, 452, of whom 252 were children; least in January, 201; of whom 87 were children. No less than 438 died of consumption of the lungs, being more than of any other two diseases. Of those who died 221 were between 50 and 60 years old, 124 between 60 and 70, 97 between 70 and 80; 61 between 80 and 90, 21 between 90 and 100, and one above an hundred.

By the returns of 99 practitioners of midwifery, there was, in the same year, 5,047 births.

Washington City. To Mr. John Sessford, as usual, we are indebted for a statistical account of the progress of the capital of the United States during the last year: 88 private buildings were commenced--much progress made in the City Hall, a very large edifice--a new bridge erected over the Tiber; a fountain of water opened that yields sixty gallons a minute, with a head of at least 50 feet above the Pennsylvania avenue; the Centre market enlarged; an addition made to the Infirmary; the new theatre finished, and the old one rebuilt for assembly rooms; an Unitarian church erected, and a Presbyterian church completed; a new steeple built; a botanical garden enclosed, &c.; and the wharves on the Potomac much enlarged. The Columbian college, a spacious establishment, has also just been finished and occupied.

The interments at Washington in 1821, amounted to 355--greatest number in October, 84--least in February and April, 9 each. August, September and October the most fatal. Of the whole, 67 died of bilious complaints, 33 of fever, proper, 9 of typhus, 5 intermittent, 1 puerperal; 31 cholera infantum; 37 consumption; 32 convulsions; 19 each cholera and cholera morbus--all the rest under 10.

New Orleans. The aggregate tonnage that entered this port during the year 1821, was 74,727 tons. American 51,460; British 16,213; Hanseatic 2,140; Danish 1,963; French 1,160. Some small amounts of Swedish, Spanish, Dutch, and Hanoverian.

Alabama. Eleven newspapers are now printed in this state--a wilderness five or six years ago.

Report on the Rip Rap Contract.

HOUSE OF REPRESENTATIVES, MAY 7.

Mr. Butler, of New-Hampshire, delivered in the following report:

The committee appointed by a resolution of the house of representatives, of the 22d of April, 1822, to enquire into the contract between the war department of the United States and Elijah Mix, of the 25th of July, 1818, and report whether the same was made in pursuance of law, and whether the said Mix has performed his covenant, and such other facts as they may deem proper relative to said contract, and that the said committee have leave to send for persons and papers," respectfully

report: That, as soon as your committee received their commission, they commenced an examination of the contract formed with Elijah Mix, and addressed several inquiries to the secretary of war, and have received from the war department, on and since the 30th of April, several communications, accompanied with various documents and papers, which were deemed by the chief engineer pertinent to the inquiry; but time will not permit the committee to detail all the facts and circumstances which are contained in these papers, and such other documents and testimony as the committee have obtained.

In reply to the first inquiry of the committee, viz. whether any advertisement for proposals had been published? the engineer reports, that he believes that there had been no advertisement, but he says "the practice of advertising, in all cases which have existed since the complete organization of this department, does not appear to have been the practice in the engineer service previous to the establishment of the engineer department in this place, in April, 1818, under similar circumstances to those under which this contract was formed, to wit, where the frequency of intercourse with all the points from which proposals were likely to be offered, would admit of direct notification being communicated to them."

Hence it appears, that it was not deemed necessary by the engineer to invite proposals for the construction of the works at the Rip Raps and Point Comfort by public advertisement, and that he considered himself justified in forming the contract with Mr. Mix, without public notice, by the peculiar circumstances of the case, and the practice which he says had prevailed previous to April, 1818, when the engineer department was established in this city.

But it appears by the same report that advertisements for proposals for the construction of the fortifications on the Gulf of Mexico were published throughout the country for nearly three months before the contracts were formed. And it appears, by documents communicated to the house of representatives in 1820, that the contracts for these fortresses, viz. at Mobile Point, Dauphin Island, and Lake Ponchartrain, were formed by the same engineer; the first on the 13th of May, the second on the 17th of July, and the other on the 20th of July, 1818, and previous to the formation of the contract with Mr. Mix, on the 25th of July, 1818.

As public notice has been given for proposals for every contract which has been formed by the war department, since the organization of the engineer department in April, 1818, except that with Mr. Mix, and, inasmuch as that contract was for the supply of a large quantity of stone, viz. 150,000 perch, to be taken from the banks of the York river in Virginia, about 40 miles from the place of deposit, and delivered at the rate of not less than 3,000 perch per month, and for which the government was obligated to pay the sum of 450,000 dollars, your committee believe that no sufficient reason has been or can be assigned for this singular neglect of duty in the officers of government. But the chief engineer contends, that the government has sustained no loss in the omission to invite proposals by public advertisement. He states that "all the precautions were taken which were requisite to guard the interest of the government," and states that captain Maurice was despatched to Richmond to ascertain the cost of getting stone on James river, and that colonel Armistead made an experiment by procuring stone to be quarried and freight-

ed for the same purpose. And he further reports that application was made to Mr. Leckie, Mr. Pumphrey, and Mr. Baker, stone quarriers, in order to ascertain the expense of getting stone, and delivering it at the Rip Raps and Point Comfort, and also refers to proposals which were made by Mr. Brooks, on James river, Virginia, and Mr. Denison, near the Susquehanna river, made before the contract was formed with Mr. Mix, and to two other proposals which were made after the contract was entered into. By such inquiries and proposals the engineer believes it was fully ascertained, that the stone could not be obtained at a less rate than \$3 50 per perch. In confirmation of this opinion, he refers to the certificates and proposals which accompany his report, shewing that \$3 50 per perch was the lowest sum for which the stone could have been procured, except by the contract which was made with Mr. Mix. The committee have examined the proposals, and find those of Messrs. Crandall and M'Dugall, and one other, were, for the *"first rate building stone,"* at the rate of \$3 50 per perch; and the committee are informed, that such stone will cost from 35 to 50 cents per perch more than the rough granite, (such as Mix has generally furnished), beside the additional trouble and cost of loading and unloading it. It also appears, by a letter from Mr. Allison Crandall, to the engineer, dated May 14th, 1818, that he had procured some stone for the government, and delivered the same at Point Comfort or the Rip Raps, at \$3 per perch, and that he was desirous of making a contract, and the engineer informed him that his terms were too high, and that he must cease his operations.

By the terms of the contract, Mr. Mix was obliged to procure the stone from the banks of the York river, in Virginia, and the committee are informed by Mr. Bassett and Mr. New, members of the house of representatives, that there is a large body of newly found lime stone near Yorktown, on that river, from which place it was expected the stone would have been taken, about 40 miles from the Rip Raps; and, as the freight of stone is the greatest part of the expense, it is obvious that the contract, in its terms, was very favorable to Mr. Mix, if the stone could be easily procured at that point, although the price given might not be considered at that time very high for stone procured at Georgetown, on the Potomac. The engineer informs the committee that only a few cargoes of stone were delivered from York river, it having been ascertained that it would not answer the purpose intended, and states that Mr. Mix was required to obtain stone elsewhere, of a different description, or to surrender the contract. Mr. Mix protested against this decision of the engineer, as he had made preparations to procure the stone on that river and could not obtain it elsewhere so cheap; but he at length complied, and the engineer says, that, notwithstanding he sustained a loss by the change, he has been enabled to carry on the contract with profit to himself.

Notwithstanding it seems to have been the opinion of Mr. Goldsborough, whose deposition has been taken, and the opinion of commodore Rodgers, and others who have been consulted, and those who have made proposals, the committee were not satisfied that the contract formed with Mr. Mix was the most advantageous one which might have been made, and they took the deposition of Mr. Perley, who was recommended to the chief engineer by colonel Bomford, as a very suitable person for such an undertaking, and also the

deposition of Mr. Edgar Patterson, of Georgetown, who owns a considerable part of the quarries on the Potomac, and Mr. John W. Baker, who has been a stone quarrier for 15 years. By the deposition of Mr. Perley, it appears he enclosed proposals to the engineer to furnish building or flint stone at the Rip Raps for \$2 50 per perch, but the engineer says he never received them. And a deposition of captain Smith, *voluntarily* made, has been transmitted, among other papers, to the committee, tending to impair the testimony of Mr. Perley; but the committee are informed, not only by colonel Bomford, but others who know Mr. Perley, that he is a man of good character.

Mr. Patterson testifies, that stone might have been freighted, in 1813, from the quarries on the Potomac, for \$1 50 cents per perch, and that he would take such a contract now for \$100,000 less than the sum agreed upon with Mr. Mix; and as Mr. Baker testifies that he quarried and sold stone to Mr. Mix, in 1818, for one dollar, in 1819, part for 85 and some for 75 cents, and in 1820 for 68 cents per perch, it would seem from their testimony, that a contract might have been formed in 1818 for two dollars and fifty cents per perch, if public notice had been given for proposals. Though the engineer believes that the intention of the government to form the contract was well known to all whose interest it could be to undertake it, yet it appears, by the deposition of Mr. Patterson, and the statement of general Mason, of Georgetown, who own most of the stone quarries on the tide waters of the Potomac, where the stone has been procured by Mix, that they did not know it till after the contract was formed with Mr. Mix. Why application was not made to these gentlemen, as well as despatching captain Maurice to Richmond to ascertain the cost of getting the stone, or to contract for the delivery of so large a quantity as 150,000 perch, the committee have not been informed. Neither does it appear, by the proposals, or any other evidence submitted to the committee, that either of the persons who made proposals, either before or after the contract was formed with Mr. Mix, knew what quantity or quality of stone was required by the government, nor the period in which any given quantity should be furnished. Had the government published advertisements several months for proposals to deliver 150,000 perch of stone at the Rip Raps, at the rate of 3,000 per month, describing the quality, it would have excited a general inquiry and competition among the citizens upon the several rivers which empty into the Chesapeake bay, and probably a more advantageous contract might have been formed. At least, your committee cannot discover any good cause for dispensing with the law, which requires "that all purchases, contracts for supplies or services, which are or may, according to law, be made by or under the direction of either the secretary of the treasury, the secretary of war, or the secretary of the navy, shall be made, either by open purchase, or by previously advertising for proposals respecting the same."

To the next inquiry of the committee, viz. whether Mr. Mix has performed his covenants? the engineer replies, in his letter to the secretary of war, dated 30th April, 1822, "that the contract, to this period, has been executed faithfully, and to the satisfaction of the department, and that the quantity delivered has, in every instance, been equal to the proportion of appropriation allotted to the contract." By the terms of the contract, Mix was bound to deliver, from the banks of York river, in

Virginia, at least three thousand perch of stone per month, according to a sample lodged in the engineer department, commencing on the 15th of September, 1818, and the government was bound to pay three dollars for every perch of stone delivered, at the Rip Raps, or Point Comfort; and, by a statement of the third auditor of the treasury department, it appears that, on the 8th of August, 1818, 10,000 dollars was advanced to the said Mix, and that, in the month of November, 1818, he delivered 2,187½ perch of stone; that, on the 30th of March last, he had delivered 87,964½ and 10-25 perch; and that, on that day, 263,895 dollars and 45 cents had been paid to him and others under the contract. It also appears by the auditor's statement, that, from the 31st of December, 1820, to the 31st of December, 1821, there had been delivered under said contract, only about 9,000 perch of stone, and, that during that period, nearly 28,000 dollars had been paid to Mix and others; and it appears, by a letter from the chief engineer, that the sum of 40,806 dollars was allotted to the contract for that year; and that not more than 9,000 perch of stone were delivered by Mix, and not over 28,000 dollars paid him in the same year; but, by the contract, Mix was obligated to deliver 36,000 perch of stone annually; and, on the 30th of March last, there was due 127,500 perch, and only 87,964 had been delivered on that day, leaving a balance due at that time of 39,536 perch; and the residue of the stone yet to be delivered under said contract, is 62,036 perch, which, at three dollars per perch, amounts to 186,108 dollars; and it appears, by the depositions of Mr. Patterson and Mr. Baker, the stone might now be furnished at about one dollar and 75 cents per perch, and the sum of 77,547 dollars saved, if the government is absolved from the obligation to the contractor, by the non-performance of his covenants. Not only 10,000 dollars was advanced to Mix before he commenced the work, but he has been paid as fast as he delivered the stone, though the government was not bound by its stipulation in the contract to do it; and it cannot be said that the failure of Mix to perform his covenant has been occasioned by any omission or refusal on the part of government to pay or advance more money.

A bond, executed on the 15th of June A. D. 1821, by Messrs. Davidson and Goldsborough, to the United States, for the performance of one fourth part of the contract made with the said Mix, shews that Christopher Vandeventer, chief clerk in the war department, bought of the said Mix, on the 24th of April, 1819, one half of said contract; and that, on the 20th of January, 1820, (about the time a former committee was appointed to inquire into the same) he sold out one half of his interest in said contract to Samuel Cooper, his father in law, and that said Cooper sold the same on the 1st of July, 1820, to the firm of Goldsborough & Co. And major Vandeventer also informs the committee, that he bought one half of the contract of Mr. Mix, some time after it was formed, and became liable to pay him (Mix) one half of the debts against the contract, which were then about 18,000 dollars; that his principal inducement to participate in the contract was ultimately to secure himself against any loss which he might sustain, by reason of his having lent his name to enable Mix to raise money to execute his contract. But, he says, he did not influence the engineer department to give the contract to Mr. Mix, nor did he recommend him. That he afterwards re-conveyed to Mix one half of the interest which he before bought of Mix, and sold

the remainder of his interest in it to Mr. Cooper, of New-York; that, when the account growing out of the subject shall be adjusted, he may eventually realize from three to four thousand dollars; and Mr. Vandeventer further states, that, at the time he became interested, he inquired of the secretary of war whether it would be improper for him to invest money in the contract, and that the secretary stated, that, under the law, he did not think it improper, but it might expose him to improper insinuations.

By the report of the present engineer, and the deposition of general Swift, transmitted among other papers from the war department to the committee, it appears that no other person but Mr. Mix was known to that department in the formation of the contract; but it is said, and so understood by Mr. Vandeventer, that a Mr. Jennings, of Norfolk, took one fourth of the contract, but the committee have not been able to ascertain whether there are any other persons now concerned in the contract with Mix, besides Mr. Goldsborough & Co. and Mr. Jennings; nor have they been informed of the precise terms of the agreements between Mr. Mix and major Vandeventer, or of the consideration of the transfer from Vandeventer to his father-in-law, Samuel Cooper. It is, however, manifest, from the statement of Mr. Vandeventer, that he is not wholly divested of all interest or concern in the contract, or its performance, as he says the accounts are not yet adjusted, so as to enable him to determine precisely what his gain may be. As Mr. Vandeventer and Mr. Mix married daughters of the said Samuel Cooper, who is surety with Mr. James Oakly, of the city of New-York, in the bond which Mr. Mix gave to the United States for the fulfilment of his contract, and, as these gentlemen were each once interested in said contract, the committee did suspect that the contract was entered into for their mutual advantage; but gen. Swift believes and Mr. Vandeventer declares, that he had no interest in it when it was formed.

The committee have obtained the deposition of Mr. Hone and Mr. Van Hook, respectable gentlemen of the city of New-York, which shew, that Mr. Mix, who formerly resided in that city, has not sustained a good character, and that he is not entitled to the full confidence of his fellow citizens, nor of the government; and, from the testimony of Mr. Van Hook, and from other information derived from a correct source, it also appears that he became a bankrupt in 1817, and took advantage of the insolvent law of the state of New-York. General Swift, however, testifies that "he had no knowledge or intimation of any fact or report, which impeached his (Mix's) character at the time of forming the contract, and believed him well qualified to fulfil his agreement." Mr. Vandeventer also declares, that, though he married into the same family with Mix, and became acquainted with him in 1815, he did not know of any charges against the character of Mix; but he says he knew that, before he formed the contract, he had become insolvent. It is not stated by the engineer that Mix was recommended by any person, nor whether recommendations are generally required in the war department in making contracts; but general Swift testifies, that the security furnished by the bond of Mr. Mix, with a penalty of 20,000 dollars, was sufficient for the faithful execution of his contract. The character and insolvency of Mix, which the committee had supposed were known to general Swift and Mr. Vandeventer, induced them, (as Vandeventer was present and witnessed the agreement, and after-

wards participated in it), to suspect the fairness and justice of the contract. Your committee, however, have not, in all the investigation which they have been able to make, yet discovered any facts which clearly stamp the transaction with a fraudulent character, but they are compelled, from what they have discovered, to express their disapprobation of the conduct of the engineer department, in forming the contract.

And in this report the committee take the liberty to remark, that they deem it essential to the interests in the nation, that, in making contracts, a very general and public notice should be given, describing particularly the nature of the work to be performed; the quantity and kind of materials of which it is to be composed or formed, and the time in which they are required to be furnished; and, also, that the engineer, or agents, who are authorized to form contracts in behalf of the government, should possess a particular knowledge of the various parts of the work which are to be constructed, and the practicability and cost of procuring the articles which are required. Beside, the same regard to the interest and prosperity of the country should govern its agents which actuates every prudent individual in his own private and lawful undertakings. Contracts of a very large amount ought not to be formed hastily, nor with men who have no responsibility or integrity, although security may be given. In all contracts, whether private or public, a strict and punctual performance depends in some degree upon the honesty of the contractor; but, in forming contracts for the government, more scrutiny and vigilance in this respect seems necessary than among individuals. If the same special confidence is not reposed in a contractor with the government, that is placed in an officer appointed by the government, yet it will not be said that the character of the person proposing to undertake or accomplish a great national work, at the expense of half a million of dollars, should be wholly disregarded. Under such impressions, and with peculiar concern for the feelings and character of the gentlemen who have been concerned in the transaction, your committee have examined into the contract made with Elijah Mix; and, having given the subject all the attention which the short time allowed them would admit of, and having considered all the communications made to them by the war department, they have come to the following conclusion, viz: that the contract was not formed in the manner which the law prescribes, and that the said Mix has failed in the performance of his covenants, according to the terms of the agreement. Therefore the committee submit the following resolution:

Resolved, That further appropriations, to be expended under the contract made by the engineer department with Elijah Mix, ought not to be made.

April 23, 1822.

Sir: I am directed by the committee which was appointed to inquire into the contract between the United States and Elijah Mix, made July 25, 1818, to submit the following questions, and request of you an answer as soon as may be:

Was there any advertisement for proposals to make the contract published, and, if so, when and where?

Was there any surety for Mix the contractor? If so, you will oblige the committee with a copy of the instrument.

How many perch of stone have been delivered under said contract, and from what place or quarry, and what kind of stone?

In what manner or how is the quantity delivered ascertained?

Has the contractor Mix sold his contract? and, if so, to whom? when? and at what price per perch? if known to the war department.

Has a new contract been made with the person to whom Mix sold? and, if so, has security been given?

Very respectfully,
JOSIAH BUTLER.
To the hon. J. C. Calhoun, sec'y of war.

WAR DEPARTMENT,
April 30th, 1822.

Sir: In reply to your letter of the 23d instant, I transmit, herewith, a report accompanied with documents of maj. gen. Macomb, chief engineer, which furnishes the information required.

I have the honor to be your obedient servant,
J. C. CALHOUN.
Hon. Josiah Butler, chairman of the committee, &c.

Report of general Macomb to the secretary of war.

ENGINEER DEPARTMENT,
April 29th, 1822.

Sir: In obedience to your order, I furnish herewith the information requested by the committee appointed by the house of representatives to investigate the contract between the United States and Mr. Mix, by answers to the inquiries contained in the letter of their honorable chairman, dated the 23d inst.

It is proper, however, to premise, that the contract with Mr. Mix was made by general Swift, while at the head of the engineer department, long before I was appointed to that station, and that most of the information which I have obtained has been collected not only from the records of this office, but from other sources, and particularly from the recollection of those who have been attached to the office much longer than myself. It is probable that if general Swift was here, that the report might be made still more complete and satisfactory.

In reply to the first inquiry of the committee, "was there any advertisement for proposals to make the contract published? and if so, when and where?" I have to state, that, on diligent inquiry, I do not find that there was any advertisement, and it is believed that there was none. The practice of advertising in all cases which has existed since the complete organization of this department does not appear to have been the practice in the engineer service, previous to the establishment of the engineer department at this place, which was in April, 1818, under circumstances similar to those under which this contract was formed; to wit: where the frequency of intercourse with all the points, from which proposals were likely to be offered, would admit of direct notifications being communicated to them. It appears that they were resorted to only when it was uncertain from what quarter proposals would be offered, and when it was necessary to invite distant and general competition; and it is probable that necessity was considered to be applicable to the contracts for the construction of the fortifications on the Gulf of Mexico, as advertisements for proposals for them were published throughout the country, for nearly three months before they were formed. It appears that this contract was made strictly in conformity to the usual practice at that time, and that all the precautions were taken which were requisite to guard the interests of the government, and to secure the contract on the most moderate terms. By advertising to the position of the works at Old

Point Comfort and the Rip Raps, near the mouth of Chesapeake Bay, it must be apparent that the stone necessary for the construction thereof, would naturally be supplied from the various rivers which flow into that bay, and that it must be obtained from the James, York, Potomac, or Susquehannah rivers; and such appears to have been the impression of the chief engineer at the time the contract was about to be formed. His attention was directed to all those points, and the owners of the quarries were informed that the government was about to form contracts for the supply of the stone that would be required for these works. The engineer superintending the district embracing the Chesapeake, and having special charge of those works, was instructed by general Swift to take measures to ascertain the price at which materials could be obtained for their construction. In pursuance thereof, capt. Maurice, of the corps of engineers, was despatched to Richmond, in order to ascertain at what price the stone could be obtained from the quarries on James river; the result of his inquiry was, that the stone to be procured at that point would cost \$4 to 4 50 the perch. Application at the same time was made to Mr. Baker, stone quarrier at Georgetown, on the Potomac, to know at what price stone could be obtained at that point, the result of which was that it would be about the same price as that on James river. In addition to these inquiries, colonel Armistead had actual experiments made, by having the stone quarried and transported under his immediate direction and superintendence, the result of which was that it could not be delivered at the works for less than \$3 50 per perch. His impression is, that the transportation of so large a quantity of stone as the government required might have raised the rate of freight to \$2 50 or 3, and in that case the price would have been augmented in the proportion of the difference between these rates and that upon which was founded the estimate of \$3 50. He considered the contract with Mr. Mix as being highly advantageous to the government at the time it was made, see his certificate herewith accompanying, and marked A. The certificate of col. Armistead is confirmed by that of capt. Maurice, marked B. by which it appears that the lowest offer he received would have cost the government \$4 25, viz: \$1 50 at Manchester, 75 cents cartage to Rockets, and \$2 for freight thence to Old Point Comfort.

While these inquiries and experiments were conducted by col. Armistead, the superintending engineer, general Swift, in order that the most accurate information might be obtained, also employed Mr. Leckie, a stone mason of intelligence and experience, to examine the several quarries, with a view to ascertain the lowest rate at which stone of a suitable quality could be obtained. The result of his inquiries was, that it could not be supplied for less than \$3 50 per perch. He reported in writing, but his report cannot be found. The result, however, is distinctly recollected by the officers attached to the department who have seen the report.—These various inquiries attracted the attention of the owners of quarries at the various points from which the stone would naturally be supplied, and produced a competition not less considerable than if proposals had been invited by advertisement.—Bids were accordingly received from the quarries at James, York, Potomac, and Susquehannah rivers; those from the last being founded upon experiments made by the permission of the engineer department and at the expense of the government; and, although some of these bids were received shortly

after the contract was formed, yet it is manifest from them that it was impossible to form the contract upon terms more advantageous to the government. The proposal of Mr. Brooke, from James river, for stone of the kind required, was \$1 25 per perch at the quarry, to which being added the expense of freight to Richmond, portage to Rockets, and freight to Old Point Comfort, the rate would be increased to at least \$4 50. See Mr. Brooks' proposal herewith, marked C. The proposal from Messrs. McDougall and Crandall, from the quarries on the Susquehannah, was at the rate of \$3 50 per perch delivered; see the proposal, dated the 4th of August, 1818, together with a letter from Mr. Crandall, dated the 4th of May preceding, herewith transmitted, and marked D; by the latter of which it appears that stone obtained from the Susquehannah in the cheapest manner, and the most convenient for loading, without regard to quality, (by which it is understood to be loose stone, obtained without the expense of quarrying), would cost 3 dollars, the stone being rated at only 50 cents per perch. A proposal was also received from Mr. Denison, upon the Susquehannah, at the rate of \$3 50, but it cannot be found; a letter, however, from commodore Rodgers, recommending Mr. Denison, has been found, and is herewith transmitted. Both of these bids were made after long consideration and actual experiments, made as before stated, at the expense of the government, and may be supposed to be as favorable as the rates of freight and labor would justify.—From the proposal of Mr. Yeaton, which is at the rate of 4 dollars per perch, and the statement of Mr. Crutenden, a merchant of respectability, and extensively engaged in shipping, and of Mr. Baker and Mr. Pumphrey, stone quarriers, it appears that stone could not have been delivered from the Potomac at that time on terms as favorable as those on which Mr. Mix contracted. They tend also to shew that the intention of the government to form the contract, was well known to those whose interest it would be to undertake such a contract. Mr. Crutenden, after two trips, did not think two dollars sufficient for transportation alone, and accordingly abandoned it at that price; see papers marked E. The contract with Mr. Mix was formed upon proposals from him for supplying the stone from a quarry on York river, agreeably to two specimens of different qualities, which accompanied his proposal; it is transmitted herewith, and marked F. General Swift being under the impression that the best of the specimens was of a suitable quality, and the offer being 50 cents per perch lower than the rate which, by the experiments made both by the government and individuals, it could, under the most advantageous management, be furnished, closed with the proposal, and formed the contract in conformity to it. After the delivery of a few cargoes, doubts arose respecting the suitableness of its quality, which, upon its being more critically examined, terminated in the belief that it would not answer the purpose for which it was intended. Mr. Mix was notified accordingly, that a further supply of that kind of stone could not be received, which involved the necessity of abandoning the contract altogether, or of supplying stone of a suitable quality from some other point. Mr. Mix protested against the determination of general Swift, on the ground that the contract had been made in relation to that particular kind of stone; that he had made his arrangements by purchasing quarries, and that it could not be delivered from any other point equally cheap; but, finally, rather than to lose the expenses he had incurred in preparations, he determined to comply

with the decision of the chief engineer. The declension in the price of freight and the expense of quarrying, which subsequently took place, has enabled Mr. Mix, notwithstanding the loss occasioned to him by the refusal of general Swift to receive the York river stone, to carry on the contract with profit to himself. It is, however, confidently believed, without such declension, the refusal of the chief engineer to receive the York river stone, would have involved the contractor in serious consequences, and put it out of his power to comply with his contract, as it appears from facts which have already been stated, that stone could not have been delivered from any other point for less than \$3 50. In fact, the contract at the time was considered so advantageous to the government, that it is understood general Swift was desirous to extend it to the whole quantity required, which was declined by the contractor. It is believed under no other circumstances than those which have been mentioned, could the contract have been made for less than \$3 50. As the principal item of expense was the freight, which, as the York river quarry was not more than a sixth of the distance from the point of delivery, of the quarries on the Potomac and Susquehannah, the difference in the freight in its favor more than compensated for the additional expense of getting out the stone from it. Whether the act of —, 1809, required that proposals for contracts should be advertised, it would be improper for me to offer an opinion. It is, however, but due to general Swift to state, that, on inquiry, it is ascertained that the practice of forming contracts without advertising, which has already been stated as being usual in the engineer service previously to, and at the time of forming this contract, equally extended to every other branch of the government. It is particularly ascertained to have been the practice in the ordnance and quarter masters' departments, and in the general land office attached to the treasury department, as will appear by the statement from Mr. Meigs, transmitted herewith, and marked G. Even higher example may be quoted for its authority. Among other instances which might be referred to, it is sufficient to cite the contract made in 1815, by the secretary of war with captain Thomas Clark, for dyking the Pea Patch, and that made by the ordnance department in 1816, under the sanction of the secretary of war, with Mr. G. Boyd, for supplying ten thousand stand of arms, tools, materials &c. for the use of the ordnance department; for neither of which contracts was there any advertisement. It is believed there were many other instances, and, in fact, that it was the universal practice.

Second inquiry. "Was there any surety for Mix, the contractor? If so, you will oblige the committee with a copy of the instrument?"

Answer. Mr. Mix's contract was accompanied by a bond for its faithful execution, in the penal sum of \$20,000, with sureties, which were approved and certified to be competent by the recorder of the city of New York. Copies of the contract and bond are herewith transmitted, marked H.

Third inquiry. "How many perch of stone have been delivered under said contract, and from what place or quarry, and what kind of stone?"

Answer. The whole quantity delivered is 87,964½ perches. It has been delivered from various places, of which, however, no account has been kept.—The principal deliveries have been from the quarries on the Potomac, near Georgetown. Except

the few cargoes delivered from York river, at the commencement of the contract, as has been stated, the stone has been granite.

Fourth inquiry. "In what manner, or how, was the deliveries ascertained?"

Answer. At the commencement of the contract, the quantity was ascertained by actual measurement on the deck of the vessel; but, being accompanied with much delay, and some uncertainty, it was changed to marking the depression of the vessels in the water before discharging the cargoes, and then accurately measuring the quantity of stone of which they consisted, the process being occasionally repeated, to test its accuracy. As connected with this point, I furnish herewith, marked I, a copy of the correspondence relating to it, of colonel Gratiot, the engineer charged with the superintendence of the works, with this department, which will afford more particular information. It is proper to observe, that, with respect to this contract, the perch is estimated at 25 cubic feet, while at the Pea Patch, it is estimated at 22 feet, and at some other places, particularly at Niagara and Rouse's Point, as low as 16½ feet.

Fifth inquiry. "Has the contractor, Mix, sold his contract? and, if so, to whom? when? and at what price per perch? if known to the war department. Has a new contract been made with the person to whom Mix sold? and, if so, has security been given?"

Answer. The whole of the contract, except one fourth, which has been transferred to Messrs Howes, Goldsborough, and company, of Havre-de-Grace, with the assent of the department, remains in the name of Mr. Mix, for which he and his securities are responsible. It is understood, however, that a sub-contract was made with major Vandeventer, for one half of the contract, some time after its formation; but, as the arrangement was a private one between Mr. Mix and major Vandeventer, and the latter was not recognized by the department, he has not been responsible to the government for any part of the contract, which still remains in the name of Mr. Mix, with the exception of the fourth above stated. The terms and conditions on which Mr. Mix may have disposed of any part of his contract, have never been communicated to this department. No new contract has been made with Messrs. Goldsborough and company. They are bound by the stipulations of the original contract for the performance of the portion thereof of which they have become possessed, as will be seen by the bond given by them for its faithful execution, a copy of which, and of the letter from Mr. Mix, under which they were recognized as the owners of the fourth of the contract, are transmitted herewith, and marked K.

I have just received a reply to an application made to Mr. Mix, requesting him to state what had been the cost of the stone first delivered under his contract. It is founded on the expense of freight and quarrying, as ascertained by the charter parties, and bill of the quarrier, compared with the quantity delivered. Copies of the charter parties, and of the bill of the quarrier, together with Mr. Mix's letter, are transmitted herewith, and marked L.

Respectfully submitted,

ALEX. MACOMB.

Maj. gen. chief engineer.

Hon. J. C. Calhoun, secretary of war.

(TO BE CONTINUED).

NILES' WEEKLY REGISTER.

NEW SERIES, No. 17—VOL. X.] BALTIMORE, JUNE 22, 1822. [No. 17—VOL. XXII. WHOLE No. 563

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

To prevent a break in the papers when the volume is bound up, the documents about the "Rip Rap contract" take precedence in this sheet. The editorial and miscellaneous articles commence in page 263.

["Rip Rap contract"—continued.]

A.

Fort Washington, April 26, 1822.

I certify, that, in the years 1817 and 1818, I was instructed by general Joseph G. Swift, then chief engineer, to make inquiry with respect to the price of materials for the fortifications about to be erected at Old Point Comfort, of which I was the local engineer, and agreeably to his instructions I ordered captain T. W. Maurice, of the corps of engineers, to proceed to Richmond and examine the stone quarries and the quality of the stone, together with the price per perch, delivered at the nearest point of navigable transportation. His report justified me in concluding that the stone necessary for construction, would cost the government from four dollars to four dollars and fifty cents. Under such circumstances, I deemed it proper to abandon the project of getting stone from the neighborhood of Richmond, and applied to Mr. Baker, the stone quarrier, at the falls of Potomac, (I think early in the year 1818), who stated to me, from the best recollection I have of the subject, that he would not engage to deliver stone at Old Point for less than four dollars or four dollars and fifty cents per perch. I gave to this subject all the notoriety possible by verbal observation, and found no offers. When I understood that the contract was made at three dollars, I thought it one of the most advantageous contracts that could have been made under existing circumstances.

Before this contract was entered into, I had made experiments, by having the stone quarried near Georgetown, by laborers hired by the United States, and found that it could not be procured and carried to Old Point Comfort, and there landed, for less than three dollars and fifty cents per perch, together with the great uncertainty of getting vessels to transport it, gave me no reasonable hope that so extensive a work would be conducted properly without the price was greatly enhanced for the transportation of the materials. I should, as the agent of the government, have had to offer from two dollars and fifty cents to three dollars per perch, to have ensured at that time an adequate supply. The contract certainly was an advantageous one, at the time the engagement took place, and saved the government many thousand dollars.

W. K. ARMISTEAD, late chief engineer.

B.

Certificate of captain Maurice.

Fort Washington, Jan. 26, 1822.

I certify, on honor, that, in the month of June, 1817, I was ordered by lieutenant colonel Walker K. Armistead, commanding 2d engineer department, to proceed to Richmond, Virginia, and there examine the quarries of stone in the vicinity of that city, with a view to ascertain what such could be had for from thence, delivered at Old Point Comfort, Virginia, when the following proposals were made to me, viz:

Dr. Trent, of Manchester,	
For blent granite, on the spot, (per perch),	dolls. 1 50
face do. do.	2 00
Mr. Kincaid, above the falls of James river,	
For the same delivered at the shipping place, lower end of the city of Richmond,	3 25

and the transportation from thence to Old Point Comfort, from the best information I could collect, could not be had, at that time, for less than two dollars per perch.

THEO. W. MAURICE, capt. eng.

C.

Mr. Brook's proposals.

Richmond, 27th June, 1818.

Dear sir—Agreeable to your request to me in Norfolk, to state to you on what terms I would furnish stone from my quarry, I now think proper to state to you that this quarry lies twenty five miles above this place, one fourth of a mile up—creek, which is navigable for boats of any burthen that can navigate the river below, and I will furnish the stone, on the bank of said creek, to the amount of 100 or 150 perch per day, until any quantity we may contract for is furnished, having about 100 loads now engaged on a building in the neighborhood that will soon be completed, at the following prices, viz: For stone three feet and under, one dollar and twenty-five cents per perch; for stone over three feet and under five in length, one dollar and fifty cents; over five and not exceeding seven feet in length, one dollar and seventy-five cents per perch, and, if any should be wanting over seven, and not exceeding ten feet in length, two dollars and twenty-five cents. It is unnecessary to say any thing with respect to the quality of the rock, as the piece I showed you in Norfolk was a fair sample of it. I shall be glad of your answer as soon as convenient, having propositions from the Dock company of this place, for about 30,000 perch, though would prefer a larger contract.

Yours, respectfully,

ZACHARIAH BROOKS.

General Swift.

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D.

Proposals of Crandall and McDugall.

Washington, 5th Aug. 1818.

Crandall and McDugall, of Port Deposit, will engage to deliver any quantity of first rate building stone, at Old Point Comfort, for three dollars fifty cents per perch. If necessary, they will deliver the stone at the rate of one thousand perches per month; and having a good saw-mill, and plenty of lumber on hand, together with a thorough knowledge of building and workmanship, they are persuaded they can do the wood work as satisfactorily, and on as reasonable terms, as any other persons in the United States.

D.

Commodore Rulger's letter.

Washington city, March 13, 1818.

Sir: Mr. Denison, who hands you this, has very extensive stone quarries near the mouth of the Susquehanna, of the best quality for building. Mr. D. is desirous of contracting for the delivery of a large quantity, and has it in his power to fulfil any engagements he may enter into. With great respect, I have the honor to be, &c.

JNO. RODGERS.

Brig. Gen. Swift, &c. &c. &c. Washington.

D.

Allason Crandall's proposal.

Port Deposit, May 4, 1818.

On my return to Baltimore, I made search for vessels, and offered two dollars fifty cents per perch for the stone. I then came on here and have got the promise of two, at the rate of two dollars and fifty cents, but they will not go while they can get a freight here, which will not last more than this week. I am quite sure that I shall load one the last of this week, so as to arrive at the fort by the middle of next. These first stone will cost three dollars, and I wish you would make it suit to pay at least one half the freight on delivery of the stone, as the vessels will not promise to go more than once. I am well assured that when the thing is begun, there may be vessels enough. Until then, I remain yours sincerely,

ALLASON CRANDALL.

Gen. J. G. Swift.

N. B. The first stone will not be a sample, as, I shall get them in the cheapest manner, and the handiest for the vessels, to make the thing more flattering. When I am apprised of the value of the stone, I will send the sample. Should this meet your entire approbation, you will let me have a line from you.

A. C.

E.

Certificate of Mr. Cruttenden, respecting freight.

Georgetown, April 26, 1822.

In the summer of 1818 I made a trial of transporting stone to Old Point Comfort with a view of ascertaining what it could be done for; after making two trips, per sloop Java, and for which I received two dollars per perch, I did not think the business worth following, and therefore abandoned it. Respectfully,

JOEL CRUTTENDEN.

E.

Certificate of Lloyd Pumphrey, as to expense.

Georgetown, April 29, 1822.

I certify that I was engaged in the years 1817-18 in quarrying and shipping stone to Old Point Comfort, and found it very difficult to obtain vessels to take stone at two dollars per perch freight; some few tried it, but said they could not make a business of it, as it would not pay expenses. The cost of quarrying and putting on board was considered to be worth about one dollar and a quarter per perch, making about three dollars and twenty-five cents delivered. In 1820, Mr. Baker and myself got three dollars and fifty cents for stone at Norfolk.

LYLOYD PUMPHREY.

E.

Mr. Yeaton's proposals.

Alexandria, 7th of August, 1819.

Sir—Having heretofore supplied Fort Washington, (and contracted for Old Point), with stone lime, agreeable to an agreement with colonel Armistead, at the very low price of two dollars thirty-seven and an half cents per perch, I expected and believed I was to furnish the whole required at those places; and if it meets your approbation, I should like to furnish what may be wanted for the works on the Chesapeake bay, on the same terms, say in all the month of April, six hundred casks, or more if wanted, and continue through the summer and fall. Casks per month as may be required.

This price is less than ought to be given, (or I can afford), yet as I understood by my present contract, at the time the proposals were made, (was for all the lime wanted at those places), I am willing to furnish the quantity at that price.

While I was complying with my contract, lime was, and is now selling here at from two dollars seventy-five cents to three dollars per cask.

I also take the liberty to offer the following proposals for furnishing stone at Old Point.

For the grey granite rock, as taken from the quarry, four dollars per perch.

For cut granite for cordon, or coping, measured in the usual way, one dollar per foot, the quantity and time of delivery may be arranged to meet your wishes.

Very respectfully, &c.
To general Swift.

W. YEATON.

E.

John W. Baker's certificate.

Georgetown, 25th April, 1822.

I hereby certify, that, at the time the contract for furnishing stone for the Rip Raps was about to be given out, I was solicited to offer for the same, and, understanding that there were offers for said contract, at a lower rate than I thought would be profitable, declined offering, and also do farther certify, that it was my opinion, when I heard of the price major Mix was to get for delivering said stone, that it was an unprofitable contract at the time; farther, I will state, that, in the year eighteen hundred and twenty, I contracted to deliver stone at Norfolk, to the canal company, at three dollars and fifty cents per perch.

JOHN W. BAKER.

F.

Elijah Mix's proposals.

Washington, 22d July, 1818.

Sir—I offer to deliver at Old Point Comfort from 1 to 150,000 perch of stone, at three dollars per perch, of sample No. 1 exhibited; I will deliver at the same place from 1 to 2,000 perch of the sample No. 2, for two dollars and seventy-five cents a perch.

I offer Samuel Cooper, James Oakley, and Muddler Robbins, as securities, in such sums as may be agreed upon for the performance of any contract I may make with the United States. I have the honor to be, &c.

ELIJAH MIX.

Brigadier general Swift, chief engineer, United States.

G.

General land office, April, 22, 1822.

Sir—In answer to your inquiry as to the manner of disposing of the lead mines or salt springs on the public lands, I have to state:

That the practice has been to apply to the register and receiver of the office in whose district the mine or spring is, or to the recorder of land titles in Missouri, for leases; which leases are submitted to the approbation or rejection of the President of the United States. It has not been customary to advertise for the disposal of mines or springs. I am, very respectfully, yours,

JOSIAH MEIGS.

Major Vandewater.

H.

This agreement, made between Joseph G. Swift, on the part of the war department of the United States on the one part, and Elijah Mix, of New York, of the other part, witnesses, That the said Elijah Mix agrees to deliver one hundred and fifty thousand perch of stone, from the banks of York river, Virginia, agreeably to samples this day lodged in the engineer department, at Old Point Comfort and the Rip Rap Shoals, in Hampton Roads, Virginia, at the rate of not less than three thousand perch a month, commencing by the fifteenth of September, 1818. And the aforesaid Joseph G. Swift agrees to pay, or cause to be paid him, the said Elijah Mix, three dollars a perch for every perch of stone delivered at the abovementioned places agreeably to this contract.

In witness whereof, we have hereunto set our hands and seals, this twenty-fifth day of July, one thousand eight hundred and eighteen, at the city of Washington.

J. G. SWIFT, [Seal.]

ELIJAH MIX, [Seal.]

Witness: C. Vandewater.

I.

Know all men by these presents, That we, Elijah Mix, Samuel Cooper, and James Oakley, are held and firmly bound to the United States of America, in the sum of twenty thousand dollars lawful money of the United States, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, for and in the whole, jointly and severally, firmly by these presents. Sealed with our seals, and dated the fifth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-third.

The condition of the above obligation is such, That whereas the above bounden Elijah Mix has contracted with Joseph G. Swift, U. States' chief engineer, to deliver one hundred and fifty thousand perch of stone at Old Point Comfort, Virginia: Now, if the said Elijah Mix does faithfully perform his part of the said contract, then the above obligation to be void; otherwise, to remain in full force and virtue.

ELIJAH MIX, [Seal.]

SAMUEL COOPER, [Seal.]

JAMES OAKLEY, [Seal.]

Sealed and delivered in the presence

of Edward Macomber, for E. Mix,

R. Riker.

The duties having been by me duly sworn, I do hereby approve of them as good and sufficient. New York, 5th August, 1818.

R. RIKER.

L.

Extract of a letter of instructions to Lieut. Colonel Gratiot.

Engineer department, Washington, August 19, 1819.

"The draught of their vessels to be marked, and several cargoes of each vessel to be measured, and if the results shall be satisfactorily conclusive of the correctness of their mode of ascertaining the measurement, then to adopt it."

I.

Extract of a letter of instructions to captain F. Lewis, of the engineers, (then in the temporary command of the works at Old Point Comfort).

"Engineer department, Washington, 1st June, 1820.
"Should the mode prescribed by the department for ascertaining the deliveries, be not sufficiently guarded to prevent such [alleged] abuses, you will adopt proper precautions, and, if necessary, have each delivery perched by a proper measurer. It is supposed, however, that the ensuing plan will obviate the necessity of measuring each load, which process is objectionable on the score of the delay to which it is subject. Have each vessel accurately perched, and her water-mark, when properly loaded, permanently fixed upon her, and examined as often as may be necessary, to prevent frauds, whether she has her true ballast, and is free from water kentledge, or other unnecessary lumber."

J.

Extract of a letter from Lieut. Col. C. Gratiot to the hon. secretary of war.

Fort Monroe, 19th June, 1820.

"That respecting the frauds supposed to exist in the deliveries of stone at the Rip Raps, and this post, the modes of measurement are such at both places as to render almost impossible for captains of vessels to attempt imposition on the officers and other persons charged with that duty, without immediate detection.

"Capt. Lewis has had charge of the delivery at the Rip Raps, and had to assist him Mr. superintendent Smith, and three stone measurers of approved character, of great zeal and activity for the public welfare and interest, who made it their invariable rule with all vessels discharging on marks, to have them brought in smooth water, pumped dry, the run examined; if found free of water, the marks were next inspected, to see if they were down previous to their being allowed to unlade. These vessels are not permitted to make more than three trips without being re-measured, and this re-measurement is renewed when least expected, frequently at successive trips. In most instances the mark vessels carry no ballast.

"The mode for marking is to take the vessels in smooth water, where they are, by pumping, freed of the water they may contain; after which the distance of the water line is carefully measured externally to some irremovable part of the stern and bow, which distances are noted in a book. The load is then discharged in the manner that vessels on freight are to ascertain their contents.

"Vessels carrying ballast, have the ballast as well as the loaded marks. To ascertain the contents of cargoes on freight, the stone is removed in parcels from the hold to the decks, where it is closely packed in rectangular masses, and measured by multiplying the length and breadth into the depth, to determine the cubical contents of each parcel. An account is kept of each measurement, stating the number of cubical feet and inches, and the aggregate of the whole calculated at the proper office, in the presence of the agents of the contractors, to whom receipts are given. The sums of the deliveries are divided by twenty-five, thereby allowing one quarter of a foot in the length of the perch for vacuities."

K.

Georgetown, 13th April, 1821.

Sir—Mr. H. Goldsborough having purchased from Mr. S. Cooper the undelivered part of one-fourth of my contract, I have no objection to his being recognized by the government as the owner thereof, and to their giving orders for payment to be made to him, or to such persons as he may authorize to receive it for him, without further authority from me, for the deliveries that have already been made, or that may hereafter be made thereon, provided the responsibility now attaching to me, for the due fulfilment of the whole contract, be so modified as to transfer from me to him so much thereof as will apply to the portion withdrawn, as above stated, from my jurisdiction, and provided, also, the government will exonerate me from obligations to liquidate one fourth of the ten thousand dollars advanced by them on the contract, holding him liable therefor.

The foregoing I will consider to be binding on me whenever I shall receive a notification of its acceptance by the war department.

I have the honor to be, &c.

ELIJAH MIX.

Hon. J. C. Calhoun, secretary of war.

K.

Know all men by these presents, that we, major John Davidson and Richard Y. Goldsborough, both of Washington, District of Columbia, are held and firmly bound unto the United States of America, in the just and lawful sum of five thousand dollars, for the payment whereof, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, administrators, and assigns, jointly and severally, firmly by these presents. Sealed with our seals, and dated the fifteenth day of June, in the year of our Lord one thousand eight hundred and twenty-one.

Whereas, on the twenty-fifth of July, 1818, the war department of the United States, by their agent Joseph G. Swift, entered into a contract with Elijah Mix, of Georgetown, in the District of Columbia, for the delivery, at Old Point Comfort and the Rip Rap Shoals, in Hampton Roads, Va. of 150,000 perches of stone, for which payment was to be made at the rate of three dollars per perch, as by reference to said contract will fully appear: And whereas the said Mix, by an instrument of writing, dated the 24th of April, 1819, did sell and convey to Christopher Vandewater, of Georgetown, in the District of Columbia, one half part (75,000 perches) of said contract: and whereas the said Vandewater did, on the 20th January, 1820, sell and convey to major Samuel Cooper, of New York, one half of his interest in said contract, namely 37,500 perches: and whereas the said Cooper did, on the 1st day of July, 1820, sell and convey to Henry Denison, of Maryland, Francis Le Barron, of N. York, and James Goldsborough, of Maryland,

composing the firm of Howes Goldsborough & Co. his entire right to, and in, said contract, as derived from said Vandeventer, being the 37,500 perches last mentioned, or so many thereof as remained to be delivered, which said right is hereby recognized by the government of the United States, and also the right of said Howes Goldsborough & Co. to participate in any advantages which may hereafter be extended to the original contractor, the said Mix:

Now, the condition of this obligation is such, that if the said Howes Goldsborough & Co. shall deliver, or cause to be delivered, from quarries on the Susquehanna river, the residue of the 37,500 perches of stone, before mentioned, of such quality and size as the secretary of war shall approve, and at the aforesaid Old Point Comfort or the Rip Raps, as the said secretary may determine upon, then this obligation to be void, otherwise to remain in full force and virtue.

JOHN DAVIDSON, [Seal.]
RICH'D. Y. GOLDSBOROUGH, [Seal.]

Teste: Brice J. Goldsborough.

The signers of the within bond are personally known to me, and are, in my opinion, fully competent to the payment of the penalty, in the event of any failure in the performance of the contract.

D. PORTER.

Georgetown, 26th. April, 1822.

Sir: In answer to your inquiry respecting the cost and transportation of stone, for the first six months that I was employed in fulfilling my contract, I have enclosed to you a copy of an account from Mr. T. Baker, to which is to be added the putting on board, which is equal to twenty-five cents per perch, which will make the cost of the stone, when on board, one dollar and twenty-five cents. I have likewise enclosed two charter parties for vessels hired by the month, and refer to the books of the department to see the quantity that they delivered during the four months employed, and it will be seen that the Flag, captain Skidmore, delivered but 396 perches, for which I paid him twelve hundred dollars; that the Brilliant, captain Butler, delivered but 324 perches, for which I paid him one thousand dollars, which exceeds, by forty dollars, the amount that I received from the government for stone and transportation. Calculating the stone at the above price, I could not have lost less than 840 dollars on those two vessels. I had at this time several vessels equally unsuccessful. I have likewise to state, and pledge myself to prove it, that, during the first year's operation, my deliveries amounted to 13,610 dollars, and that the expenses in delivering that quantity cost me 21,461 dollars, making a clear loss of 7,851 dollars in my first year's business.

The price of freight, during the year 1818, was never less than two dollars per perch, and in several instances two dollars and twenty-five cents were paid, to induce freighters to commence the business, in hopes that they would get more accustomed to it, and induce others to try the experiment.

I have the honor to be, &c.

E. MIX.

Gen. Alexander Macomb, engineer department.

L.

Mr. E. Mix to John M. Baker

Dr.

1818.
Oct. 22, To six hundred and eight perches, at one } Dollars. 608
dollar per perch by scow measure. }
Received the above. JOHN M. BAKER.

L.

Contract of E. Mix with J. Skidmore, for vessels, &c.

Articles of agreement made this twelfth day of August, in the year of our Lord one thousand eight hundred and eighteen, between Joel Skidmore, of the city of New-York, and Elijah Mix and George Cooper, of the same place, as follows, that is to say:

"The said Joel Skidmore agrees to employ and use the sloop called the Flag, in the service and business of the said Elijah Mix and George Cooper, to and from the port of New-York, and any ports or places in the state of Virginia that the said Elijah Mix and George Cooper may require, and to victual, man, equip, and furnish the said sloop with, and sufficiently for, such service and business, for the term and period of four months from the day of the date hereof: and the said Elijah Mix and George Cooper jointly and severally covenant and agree to and with the said Joel Skidmore, to hire the said sloop of him the said Joel Skidmore, for the term and period of four months aforesaid, and to pay him, at the end and expiration of every month, from the day of the date hereof, the monthly sum of three hundred dollars, for the use and employment thereof, it being understood that the said Joel Skidmore is to sail in and command the said sloop; and that the said monthly payments are to be in full of all expenses or charges whatsoever; and for the faithful performance hereof the said Joel Skidmore pledges to the said Elijah Mix and George Cooper the said sloop, her tackle, apparel and furniture; and the said Elijah Mix and George Cooper pledge to the said Joel Skidmore the goods, wares, articles, merchandise and loading that may from time to time be on board of the said sloop or vessel.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

JOEL SKIDMORE,
ELIJAH MIX.

Sealed and delivered in the presence of

Harvey Bunce,
Richard Swenden.

Contract between E. Mix and H. Bunce, for vessel, &c.

Articles of agreement made this tenth day of August, in the year of our Lord one thousand eight hundred and eighteen, between Harvey Bunce, of Huntingdon, Suffolk county, on the one part, and Elijah Mix and George Cooper, of the city of New-York, of the other part, as follows, that is to say:

The said Harvey Bunce agrees to employ and use the sloop called the Brilliant, in the service and business of said Elijah Mix and George Cooper, to and from the port of New-York, and any ports or places in the state of Virginia, that the said Elijah Mix and George Cooper may require, and to victual, man, equip, and furnish the said sloop with, and sufficiently for, such service and business, for the term of four months from the day of the date hereof; and the said Elijah Mix and George Cooper jointly and severally covenant and agree to and with the said Harvey Bunce, to hire the said sloop of him, the said Harvey Bunce, for the term and period of four months aforesaid, and to pay to him at the end and expiration of every month, from the day of the date hereof, the monthly sum of two hundred and fifty dollars, for the use and employment thereof; it being understood that the said Harvey Bunce is to sail in and command the said sloop, and that the said monthly payments are to be in full of all expenses or charges whatsoever; and for the faithful performance hereof, the said Harvey Bunce pledges to the said Elijah Mix and George Cooper the said sloop, her tackle, apparel and furniture; and the said Elijah Mix and George Cooper pledge to the said Harvey Bunce the goods, wares, articles, and merchandise, and loading that may from time to time be on board of said sloop.

In witness whereof, the said parties have hereunto set their hands and seals the day and year first above written.

HARVEY BUNCE,
ELIJAH MIX.

Scaled and delivered in the presence of
Joel Skidmore.

Mr. Calhoun to Mr. Butler.

Department of war, April 30, 1822.

Sir—I have the honor to communicate, herewith, an additional report of the chief engineer on the subject of Mr. Mix's contract. I have the honor to be, sir, with great respect, your most obedient servant,

Hon. Josiah Butler, chairman, &c.

J. C. CALHOUN.

General McComb to Mr. Calhoun.

Engineer department, April 30, 1822.

Sir—I addressed a note this morning to general Swift, who arrived last evening, requesting him to examine the report made by this department yesterday, on the subject of Mr. Mix's contract, and to state how far it accorded with the facts; and also any circumstances within his knowledge respecting the transaction, that may not have been embraced in the report.

I have just received the answer of general Swift, accompanied by his deposition, and have the honor to transmit them herewith.

I transmit also, a statement from commodore Rodgers, respecting the proposal of Mr. Denison, which, in the report of yesterday, was stated to have been mislaid, which he was polite enough to furnish in answer to an application on the subject, addressed to him this morning.

I take occasion to make here a remark, which should properly have been introduced in my report of yesterday, in the answer to the inquiry respecting the quantity of stone which had been delivered under Mr. Mix's contract. It is, that the contract to this period has been executed faithfully, and to the satisfaction of the department; and that the quantity delivered has, in every instance, been equal to the portion of appropriation allotted to the contract.

I have the honor to be, sir, your most obedient servant,

ALEX. MACOMB,

Major general, chief engineer.

Hon. J. C. Calhoun, secretary of war.

Gen. Swift to Gen. Macomb.

Washington, April 30, 1822.

Sir—Your letter of this A. M. submitted for my examination a report of the secretary of war from the engineer department, dated 29th inst. upon the subject of Mix's contract, I have examined, and believe it to be correct. Herewith I enclose you my deposition in relation to the subject. Should the committee of congress wish to have me before them, I am ready to wait upon them, and am to be found at major Roberdeau's at Georgetown.

I remain your most respectful humble servant,

J. G. SWIFT.

Major general Macomb.

Brigadier general Swift's deposition.

Washington, 30th April, 1822.

Joseph G. Swift, late of the United States' engineers, deposes, and saith, that, in the summer of 1818, he made a contract with Elijah Mix, for stone, to be delivered in Hampton Roads, at the Rip Raps. That said contract was made upon the best procurable terms, and as he, the deponent believes, fifty cents less per perch than could be procured from any other quarter. That good and sufficient security was taken of Mr. Mix for the faithful execution of his contract, in a penal sum of twice the amount that would in any case be advanced to him. That, at the time of forming the contract, this deponent verily believes that major Christopher Vandeventer had no interest whatever in said contract. That said Vandeventer had no sort of control or direction in forming the contract; and that the contract was made solely with Mr. Mix, and with no other person. That, with respect to Mr. Mix's character, the deponent had no knowledge or intimation of any fact or report which impeached his Mix's character, at the time of forming the contract; but that the deponent believed Mix to be well qualified, from his activity and enterprise, to fulfill his agreement. That the deponent has been informed that he was suspected of being interested in said contract. Such suspicion is unfounded in truth; he, the deponent, is not, and has not at any time been interested in said contract. That, in relation to the statement of the chief engineer, general Macomb, made to the secretary of war, on 20th of April instant, about the said contract, viz. to the fact of his, the deponent's, knowledge and belief, a

true statement of the manner in which the contract was made and has been conducted; and further the deponent saith unto,

J. G. SWIFT.

District of Columbia, county of Washington, ss.

On this 30th day of April, 1822, before the subscriber, one of the justices of the peace for the said county, appears J. G. Swift, and makes oath, in due form of law, that the foregoing and above statement, and every matter and thing therein contained, is just, true and correct, to the best of his knowledge and belief.

Subscribed and sworn before me,

JOHN N. MOULDER, Justice of peace.

Commodore Rodgers to gen. Macomb.

Washington, April 30, 1822.

Sir: In answer to your inquiry of this date I have to state, that, previously to Mr. Denison's sending to the engineer department his proposal to furnish stone for the fortifications constructing at the entrance of Hampton Road, he shewed me his calculations with respect to the price at which he thought he could deliver the stone, and asked my opinion as to their correctness. As well as my recollection serves me, the tender which he shewed me was put at three dollars and twenty-five cents per perch, but at my suggestion he increased it to three dollars and fifty cents. At that time I was under the impression that, at three dollars and fifty cents, he would not be able to make more than from thirty-seven and a half to fifty cents per perch, even with the best management, and nothing without very good management, owing to the high price of freight, quarrying, and loading the vessels; the former being, I think, two dollars and twenty-five cents to two dollars and fifty cents per perch, and the latter seventy to seventy-five cents.

I am, sir, very respectfully, your obedient servant,

JOHN RODGERS.

To maj. gen. Alexander Macomb, chief engineer, &c. &c.
P. S. In the above, the price of the stone is not included, the quarry, from which Mr. Denison intended getting it, belonged to his mother.

War department, May 1st, 1822.

Sir: In reply to your communication of yesterday, I have the honor to enclose a report from the chief engineer, affording the information requested.

I am, sir, very respectfully, your obedient servant,

J. C. CALHOUN.

Hon. Josiah Butler, chairman of the committee, &c.

General Macomb to the secretary of war.

Engineer department, May 1st, 1822.

Sir: I communicate herewith a letter of general Swift, in answer to the inquiry made by the honorable chairman of the select committee, appointed to investigate Mr. Mix's contract.

In addition to what general Swift has communicated, with regard to Mr. Perley's offer to furnish stone, I have to state that I have caused a careful examination to be made of the records of this office, and find no evidence of his offer on file; and upon inquiry of the gentlemen attached to the department, I can obtain no recollection or information relating to it. As it regards the price, yesterday, to observe, that the contract of Mr. Mix for the delivery of stone at the Rip Raps and Old Point Comfort, has been invariably construed to mean stone of the size and dimensions which the works require. Under this construction the contractor is not now permitted to deliver any stone of less than 150lbs. weight, to form the mole at the Rip Raps. It is also proper to state that the mole, being erected in the open sea, and in 18 feet water, very considerable expense attends the delivery of stone for the formation thereof. The contractor is compelled to graduate the mole seven feet above the water, in the formation of which his vessels are obliged to be secured between two anchors in such manner as to be enabled to land their cargoes by means of stages from the decks of the vessels to the top of the deposit. In this situation they are in contact with the slope of the mole, subject to constant attrition and thumping against the sharp edges of the rocks, occasioned by the swell and agitation of the sea, and thereby exposed to increased wear and injury.

I have the honor to be, very respectfully, sir, your obedient servt.

ALEX. MACOMB.

Maj. gen. chief engineer.

Hon. J. C. Calhoun, secretary of war.

General Swift to general Macomb.

Washington, 1st May, 1822.

Sir: In reply to your inquiry, whether Mr. Mix was recommended to me as a suitable contractor, I have to state, that I never received any recommendation of Mr. Mix. My idea of his fitness was derived from his personal deportment and conversation, and from having heard him spoken of as being an active and intelligent man of business, who had been employed during the late war in annoying the enemy in Chesapeake bay; at which time, as a sailing master in the United States' navy, he had nearly succeeded in an enterprize to blow up the Plantagenet 74.

I learn that a Mr. Perley has stated that he made proposals to me, in 1818, to supply stone at Hampton roads, from Aquia creek, at two dollars fifty cents perch. I recollect that Mr. Perley did propose to supply stone from Aquia, but do not recollect the price, though it may have been two dollars and fifty cents; but the stone of Aquia is free stone, and not fit to form a foundation underwater, and would not have been used for that purpose at any price. Whether Mr. Perley made written or verbal proposals to me, I do not remember, but my impression is, that the communication was a few moments conversation.

I remain your respectful humble servant,

J. G. SWIFT.

Maj. gen. Macomb.

Department of war, May 4, 1822.

Sir: I have the honor to transmit, herewith, through you, to the committee appointed to investigate the contract between the United States and Mr. Mix, a report, accompanied by documents, from major general Macomb, the chief engineer, of this date.

I have the honor to be, sir, with the highest respect, your most obedient servant,

J. C. CALHOUN.

Hon. Josiah Butler, chairman, &c.

Letter from general Macomb to J. C. Calhoun.

Engineer department, May 4, 1822.

Sir: I have the honor to transmit, herewith, a deposition from general Swift, dated the 3d inst. a letter from col. Bonford to general Swift, dated the 3d instant; a letter from captain Smith to general Swift, dated the 2d instant, to which is attached the deposition of captain Smith; another letter from captain Smith to this department, of this date; a statement from Mr. Stewart of yesterday's date; and a letter from colonel Wadsworth to the secretary of war, dated the 23d of July, 1818; all of which have reference to the investigation of Mr. Mix's contract with the United States now pending, and are respectfully submitted.

ALEX. MACOMB,

Maj. gen. chief engineer.

Hon. J. C. Calhoun, secretary of war.

Joseph G. Swift's deposition.

City of Washington, May 3, 1822.

Joseph G. Swift deposes and saith, that he has been informed that it has been stated by Mr. Perley and others, to the committee of congress, who are examining Mr. Mix's contract, that proposals were made to him, the said Swift, in 1818, to furnish stone at Hampton Roads for a less sum than three dollars a perch. Said Swift saith that there was no bid whatever made to him by Mr. Perley, nor by any other person, for Potomac stone, nor for any other stone, (save free stone of Aquia, which is not proper for foundations under water) for a less sum than three dollars a perch. This deponent further saith, that, to the best of his knowledge and belief, all the bids which he received for stone are mentioned in the report of the engineer department, of 29th April, 1822, with the exception of Aquia, as above stated.

J. G. SWIFT.

District of Columbia, Washington county, ss.

On this 3d day of May, 1822, before the subscriber, one of the justices of the peace for the said county, personally appears J. G. Swift, and makes oath, in due form of law, that the foregoing and above statements, and every matter and thing therein contained, is just, true, and correct, to the best of his knowledge and belief.

Subscribed and sworn to before,

JOHN N. MOULDER,

Justice of the peace.

Capt. Smith, to gen. Macomb.

Washington, May 4, 1822.

Sir: I omitted, in my letter to gen. Swift, of the 2d instant, to state, that, in the conversation to which it refers, Mr. Perley had told me his proposal for supplying stone at two dollars and fifty cents per perch, was offered, after he had received general Swift's letter, in which his proposal for furnishing bid free stone, at twelve dollars per ton, had been rejected.

My determination to call on Mr. Perley was occasioned by the following circumstances. Having understood that the quarries on Aquia and Potomac creeks were several miles distant from water carriage, I called on Mr. Blagden, the superintendent of stone work at the capitol, who was stated to be well informed as to the situation of all those quarries, to ascertain the facts in the case, and particularly with respect to the quarry at which Mr. Perley was established; intending, if the information previously received should be confirmed by Mr. Blagden, to shew that the land carriage alone, from the quarries to the place where it would be shipped, of the stone contemplated by the proposal of Mr. Perley, would have cost more than the rate of the proposed price. I learned from Mr. Blagden, that Mr. Perley had been at different quarries, and that one of them was only a quarter of a mile distant from water carriage. I then determined to call upon Mr. Perley, with a view merely to ascertain from what quarry he intended to supply the stone. Nothing was more remote from my expectation, than that the interview would have led to the disclosures which have been detailed in my letter to general Swift.

I am, sir, very respectfully, your obedient servant,

J. L. SMITH.

Capt. corps of engineers.

Maj. gen. Macomb, chief engineer.

Col. Bonford to gen. Swift.

Washington, May 3, 1822.

Sir: Herewith I annex a brief of my knowledge of Mr. F. Perley, together with my recollection of the price of stone in the years 1817 and 1818, deliverable at the fortifications near the entrance of the Chesapeake.

To the best of my recollection, within the time above noted, Mr. F. Perley called upon me with a request that I would introduce him to you; his object, he stated, was to obtain a contract, or some employment connected with the supply of stone for the fortifications of the Chesapeake. From my knowledge of him while he was quarrying marble for the capitol, wherein he exhibited both capacity and industry, and having also been recommended to me by Mr. R. Leekie, I made no hesitation in complying with his wish.

On the subject of the prices of stone, about the above time stated, I had a conversation with Mr. R. Leekie, a very experienced and intelligent mason, in whose judgment I continue to entertain great confidence, who shewed me an estimate which he had made, which, to the best of my recollection, did not materially vary from two dollars and fifty cents for sand or inferior stone, and three dollars and fifty cents for the Potomac granite. I recollect at the

time to have expressed my surprise at the apparent extravagance of the calculation; that was, however, removed, by an explanation of the items, particularly that of the cost of the freight from the quarries to the fortifications,

The above I have no objections to depose to, if required.

Respectfully, I remain your most obedient and humble servant,
G. BOMFORD.

Gen. J. G. Swift

Deposition of Mr. Stewart.

Georgetown, 3d May, 1822.

About the time that the contract for stone for the Rip Raps was entered into with Mr. Mix, in conversation with Mr. John Baker, to whom I had previously rented extensive quarries of stone on the Potomac, above Georgetown, he informed me of Mr. Mix having obtained the contract, and stated that he yet expected to furnish the stone, as it was impossible for any man to furnish it at the price contracted for, viz: three dollars per perch, and that his proposals being lower than any except Mr. Mix's, would entitle him to a preference in the event of Mr. Mix finding that he could not comply; and went into a detailed calculation, as to the cost, from which it was evident, that, upon the most sanguine calculations fifteen cents per perch only would remain to compensate him for his labor, and to cover the variety of contingencies to which all such contracts are invariably liable, and that it was, from his long practice in the quarrying business, his having all the necessary scows and implements on hand, and from his personal knowledge of the persons with whom he would have to deal, that he calculated upon the fifteen cents, and that he did not believe it possible for any other man to save himself at the price he had offered, and from my own knowledge of the cost of the stone at the water's edge, and of the price of transportation, I felt confident that any other man but Mr. Baker would have sustained a loss of twenty-five cents at least upon Mr. Mix's contract. The result, however, (so far) appears very different, owing to the very unexpected and rapid fall in the price of labor and transportation, which I think occurred within the first year of the contract, and to a very judicious purchase of a quarry by Mr. Mix; and it is from these causes solely that I am convinced Mr. Mix has derived his profit and been saved from ruin, and I do not hesitate to state that I would not have taken the contract off Mr. Mix's hands for 25,000 dollars, though the stone in the quarry would have cost me nothing.

WM. STEUART.

District of Columbia, Washington County, &c.

On this 3d day of May, 1822, before the subscriber, one of the justices of the peace for said county, personally appears William Steuart, and makes oath, in due form of law, that the foregoing statement, and every matter and thing therein contained, is, to the best of his knowledge and belief, just, true, and correct.

Subscribed and sworn to before,

JOHN N. MOULDER,
Justice of the peace.

Ordinance office, 23d July, 1818.

Sir: Understanding Lieut. Mix, formerly of the navy, has made application for the situation of military storekeeper, I should be much pleased if you could be appointed to the arsenal on the Hudson, near Troy, no storekeeper having yet been assigned to that post. The commanding officer at that station has been obliged to attend to the duties of storekeeper, and transmit the quarterly returns. There being a great deal of business to be done there, an active storekeeper, well acquainted with business, will be particularly useful, as it is, it may be said, indispensable.

I have the honor to be, very respectfully, sir, your obedient servant,
DECIOUS WADSWORTH,
Colonel of ordinance.

Hon. J. C. Calhoun.

Engineer department, Washington, 6th May, 1822.

Sir: In reply to your letter of this day, desiring "to know what amount, or part, of the appropriation of 1820, for fortifications, was applied or allotted to the contract of Mr. Mix for that year," I have the honor to state, that forty thousand eight hundred and six dollars was the sum so allotted; and, it is presumed that the said sum was so applied, as the balance in the hands of the agent was but eight dollars, on the last settlement. The accounts being with the military committee they cannot be referred to at this time.

I have the honor to be, very respectfully, sir, your most obedient servant,
ALEXANDER MACOMB,
Major general chief engineer.

To the hon. Josiah Butler, chairman of the committee appointed to investigate Mr. Mix's contract.

Washington, 27th April, 1822.

Sir: In conformity with the request contained in your letter of the 23d instant, I have the honor to transmit a statement of the money paid to Mr. E. Mix under his contract of the 5th of April, 1818; and to others as sub-contractors under the said Mix, and showing the dates of the several payments. The original vouchers are sent, which you will have the goodness to return, when no longer necessary. I remain with respect, &c.

WM. H. CRAWFORD.

Hon. Josiah Butler, chairman of a select committee.

Amount of payments made to Elijah Mix and others under his contract for the delivery of stone at Old Point Comfort and the Rip Rap Shoals.—[Details omitted.]

Total amount paid to E. Mix, 263,895 45 dollars as far as the accounts have been rendered, being for 97,964 3-4 and 16-25 perches stone, at three dollars per perch.

Washington, May 7, 1822.

Dear sir: Will you do me the favor to correct my letter and report of payments in the case of E. Mix, so far as it regards the date of his contract, the clerk mistook, and put down in the letter 5th April, 1819; and in the caption of the statement, 5th April,

instead of the 25th July, 1818, the correct date of that contract.—I have before reported the error, but it may not have been altered in the cases above mentioned, and, if not, it might lead to misunderstanding. Very truly, dear sir, yours,
P. HAGNER.

Hon. J. W. Campbell, house of representatives.

Deposition of Mr. Baker.

John W. Baker, of Georgetown, on oath declares, that, as near as he can recollect, in the latter part of the year 1817, or first of 1818, he heard that the war department was about to make a contract for the delivery of stone at the Rip Raps, but never saw any advertisement for proposals. That he has been engaged in getting out stone from the quarries near Georgetown for fifteen years. That he bought the stone in the quarries. That he informed Mr. William O'Neale, who, he understood, talked of making proposals, that he would furnish stone on the deck of his vessels for one dollar per perch. That deponent has never been much employed in freighting stone, but heard that the freight was estimated by some persons at two dollars per perch, in 1818. That the deponent, however, believes, that a person having suitable vessels, and making it his business, might have freighted stone in 1818, at one dollar and seventy-five cents per perch, delivered at the Rip Raps. That the deponent has been employed by Mr. Mix in getting stone and putting it on vessels for the Rip Raps, which was of the kind called rough stone. That Mr. Mix freighted the stone in his own vessels in 1818, and gave deponent one dollar per perch for the same in his vessels. That Mr. Mix, in 1819, had stone freighted to the Rip Raps for one dollar and fifty cents per perch, and paid deponent in the first of 1819, eighty-five cents per perch, and the latter part seventy-five cents per perch; and in 1820, sixty-eight cents per perch for the stone. That Mr. Mix pays now one dollar and twenty-five cents for the freight of stone to the Rip Raps, by the perch.

JOHN W. BAKER.

Sworn and subscribed before me, this 30th April, 1822.

D. RAPINE, Justice of peace.

Deposition of Samuel Cooper.

Samuel Cooper, in the office of the adjutant general, on oath, declares, that he has been informed that Mr. James Oakley, of New-York, and Samuel Cooper, his father, were agents for Mr. Mix, in the contract he made with the war department in 1818, and that he believes Mr. Oakley is esteemed a man of large property; that he, the deponent, is a brother-in-law of Mix, but did not know much about the property of the said Mix, though he thinks he was not considered a man of much property at the time he made the contract. Major Vandeventer, chief clerk in the war department, married a sister of the deponent, and became acquainted with Mr. Mix, in 1815, who, before he took the contract aforesaid, resided in the city of New-York, and soon after removed to Georgetown, in the District of Columbia, where he now lives. The deponent does not know whether the said Mix possesses much property, and says that he is not engaged in any occupation except in carrying on his contract, and some speculation.

SAMUEL COOPER, Jr.

Sworn and subscribed before me, this 30th April, 1822.

DANIEL RAPINE, Justice of the peace.

Statement of Messrs. Bassett and New, members of the house, in relation to stone in the vicinity of the Rip Raps.

May 2, 1822.

Being requested by Mr. Butler, the chairman of a committee, to state what I knew relative to the quantity of stone to be found on the banks of York river and its branches, he certifies that, at Yorktown, which is about forty miles from the Rip Raps, there is a large body of newly formed limestone, rather soft when first taken from the bed, but hardens on exposure to the air, or to water. This stone shews itself on the bank for two miles and upwards. Its extent into the bank has never been proved. Some stone has been taken from this place to the Rip Raps, as I have been told. Twenty miles higher up the river, there is a bed of stone called, with us, iron mine stone, a sand stone mixed with iron ore. Of the quantity to be obtained here I cannot say, though I presume, or believe, it is not very considerable, and that kind of stone, as far as I have observed it, is generally small. I was never at this point. Ten or twelve miles higher up the river, there is more of the same kind of stone, but very inconsiderable in quantity. With these exceptions, there is no stone that I know of, on the branches of those rivers, below tide water. It is certain I have never seen any granite below tide water, and it is some distance above before you come to any considerable quantity.

BURWELL BASSETT.

From my knowledge of the lower parts of the state of Virginia, I perfectly agree with colonel Bassett in the foregoing statement,
ANTHONY NEW.

Interrogatories to colonel Bomford.

Question. Were you acquainted with Frederick Perley in 18 7 or 1818; and if so, did you recommend him to general Swift as a suitable person to contract for the delivery of stone at the Rip Raps or Point Comfort?

Answer. At the request of Frederick Perley, I introduced him to general Swift, and recommended him as a suitable person for furnishing stone for the fortifications on the Chesapeake.

G. BOMFORD,
Lieut. col. on ordinance duty.

Deposition of Haves Goldsborough.

About the time the fortifications were about to be commenced at Old Point Comfort and the Rip Raps, I accidentally went down the bay with general Swift and some of the corps of engineers who were about making a survey preparatory to the erection of those forts.

I perfectly well recollect having a conversation with general Swift, as to the difficulty of procuring stone from the Chesapeake

bay. I advised him to send an officer to Havre de Grace, to view the quarries of stone in that quarter. He said large quantities of stone would be wanted; of a good quality, and that he was desirous of getting it on the cheapest and best possible terms. He did send an officer, who reported favorably of the quarries. In order to test the expense of procuring the stone, I believe he chartered vessels and hired men here, to get out a few cargoes delivered at the works; which, I afterwards understood, cost from three to four dollars per perch; at this time the price of freight, labor, &c. was high. I shortly afterwards understood he made a contract with Elijah Mix, for one hundred and fifty thousand perch of stone, at three dollars per perch, which, I well recollect, at that time was considered a very bad contract for Mix, and such one as I at that time would not have made, and I think would have been ruinous to the contractor, had not an unexpected fall in the price of freights, labor, provisions, &c. taken place.

When this fall in prices took place, of at least one half in freights, labor, provisions, &c. and in consequence of a prospect of their still falling lower, I determined, as I lived near the quarries and owned vessels, to endeavor to purchase a part of this contract, which I effected by a purchase from Samuel Cooper, of the city of New-York, of the remaining part of the fourth of said contract, purchased by said Samuel Cooper of major Vandeventer, and by him bought of Mix some time after the contract was taken by Mix from the government, as I always understood. I did contract to deliver the stone at Fort Calhoun for two dollars and sixty cents per perch. By this contract, had not freight, &c. fallen to those unprecedented low prices, I must have lost a large sum of money. Since making this purchase of major Cooper, and having some difficulties with Mix, my purchase has been recognized by the government, to whom I have given bonds with security, and am now acting as a contractor with the government.

HOWES GOLDSBOROUGH.

Maryland, Harford county, ss.

On this second day of May, 1822, personally appeared before the subscriber, a justice of the peace for said county, Howes Goldsborough, and made oath on the Holy Evangelists of Almighty God, that the foregoing statement is correct, to the best of his knowledge and belief.

Given before

BENNET BARNES.

Statement of major Vandeventer.

Major Vandeventer states, that he did not, in any way whatever, influence the engineer department to give the contract to Mr. Mix; nor has he, directly or indirectly, exercised any control over its execution; that, some time after the formation of the contract, he became interested in it from permitting said Mix, through motives of friendship, arising from his connection with him by marriage, to use his name to raise funds to execute his contract; and that his principal inducement to participate in it ultimately, was in order to secure himself against any loss which might result from permission to use his name for the purpose above stated, he being under apprehension at the time that there was well-founded danger of such loss, of averting which there was no other means; that he felt a solicitude that any one connected with him, having any engagement with the public, should faithfully execute it. That, about the time he became interested, he asked the secretary of war whether it would be improper for him to invest money in the said contract? That the secretary replied, that it would not be illegal, as there was no law to prohibit it; but it might expose him (major V.) to improper insinuations, and would, therefore, be injurious. That, on much reflection, after he had become concerned, and believing his participation was not agreeable to the secretary of war, he decided to divest himself of all interest in the contract, which he accordingly did in a few months. That, at the time Mr. Mix made the contract, he did not know of any charges against his character, which went to impeach his integrity. That he did not know him before 1815, when he became connected by marriage, as, during nearly the whole of the late war, he was confined as an hostage in Canada. That, after he made acquaintance with him, he did not remain in New-York more than eighteen months, when he was ordered southward, whence he returned to assume the duties of his present station, in the fall of 1817. That, when he purchased the half of the contract, he became liable, as a consideration, to Mr. Mix, for one half of the debts against the contract, the whole amount of which was estimated at about 18,000 dollars. That he afterwards sold to Mr. Mix one half of his purchase on the same terms, and the remainder of his interest to Mr. Cooper; and that, when the accounts growing out of the subject shall be adjusted, he may eventually realize from three to four thousand dollars.

The above statement was submitted to the committee by major Vandeventer and written by him.

JOSIAH BUTLER.

Deposition of Edgar Patterson.

With respect to the contract made by the war department with Mr. Mix, to furnish stone for the Rip Raps, I know but little, except from hearsay.

I never knew that such a contract was to be given out until after it was made with Mr. Mix. No person ever applied to me to know at what price I would furnish the stone, until about a year after the contract was made with Mr. Mix.

EDGAR PATTERSON.

Interrogatories to Mr. Patterson.

Ques. How long have you resided in Georgetown? Was it generally known in this city that general Mason and yourself were the owners of extensive quarries?

Ans. I have resided in Georgetown about twenty-two years. I believe it is pretty generally known that general John Mason and myself are the principal quarry owners on the tide-waters of the Potomac.

Ques. What is the lowest price at which you would have been willing to have contracted for the delivery of stone at the Rip Raps?

Ans. Not being myself engaged in the stone quarrying business at the time the contract was made, I am not able to say what the cost of delivering such stone would have been. I would now be glad to contract to deliver a similar quantity and quality of stone for one hundred thousand dollars less.

On the 31st April, 1822, before me appeared Edgar Patterson, and made oath that the statements signed by him are true, and that the answers to the succeeding questions are true to the best of his belief.

DANIEL RAPINE, Justice of the peace.

Mr. Patterson further states, this 2d day of May, 1822, that he has had stone freighted to Old Point Comfort, in 1830, for one dollar and twelve cents to one dollar and thirty-seven and a half cents per perch, and that they were large building stones; also, that he has been informed that stone has been freighted for Mr. Mix for one dollar per perch; and he believes that, in 1818, stone might have been freighted to Point Comfort, or the Rip Raps, for one dollar and fifty cents per perch.

Annapolis Island, May 2d, 1822.

Sir—The letter you did me the honor to address me on the 30th ultimo came yesterday to hand.

I will readily proceed to answer the inquiries of the committee in which you preside. I have no recollection that I received any information, from the department of war, of a contract to be made for the delivery of stone at the Rip Raps, in 1818. Early in the month of December, of that year, there appeared in the public prints an advertisement, by the commandant of engineers, inviting proposals to be made, within some two or three months, for a large quantity of building stone, to be delivered at Old Point Comfort, for which I put in proposals. Having, previous to the reception of your letter, received an application from the engineer department for information on that subject, I have furnished it with a statement of the transaction, a copy of which it seems to be proper, under the circumstances, that I should transmit to you; and you will accordingly, sir, find it enclosed.

I have the honor to be, sir, your most obedient servant,

J. MASON.

Hon. Josiah Butler, chairman of the committee, &c.

In the year 1819, in consequence of an advertisement from the engineer department, I made proposals to furnish a very considerable quantity of building stone at Old Point Comfort, on the Chesapeake, of the sort of granite usually found about the falls of our rivers, as will be seen by the letter I addressed to colonel Armistead, a copy of which follows:

Georgetown, 27th February, 1819.

Sir—In consequence of your advertisement of the 2d of December last, I beg leave to offer to deliver, at Old Point Comfort, eighty thousand perches of building stone, from my quarries in this neighborhood, of such quality as has been heretofore received from them, at that place, and at Fort Washington, for the public use, at four dollars per perch, provided suitable provision is made for receiving the stone and guarding against the loss of the vessels employed in the transportation of it; and that such advances are made, on satisfactory security, as will enable me to prosecute the business to advantage.

Very respectfully, I have the honor to be, sir, your most obedient servant,

J. MASON.

Colonel Walker K. Armistead,

Lieut. col. com't eng. Washington.

Having been in the habit, for more than twenty-five years, of disposing of stone, in various ways, from extensive quarries owned by me in this neighborhood, and knowing, from personal experience, all the minutiae of the business, I thought myself competent to estimate the rates at which this material could be delivered at the place designated; and, founding my calculations on the prices of freight, labor, provisions, and other necessary supplies, prevailing, at that time, I well remember that, when I put my name to the proposals, sent in as above shewn, it was on a conviction that, at a price less than that named by me, there would not be left a profit sufficient to indemnify me for the time, labor, and risk of casualties, necessarily attendant on an enterprise of that nature, and growing out of the employment of as many agents, and men, and vessels, and the purchase of as large supplies, as would be required by a punctual fulfilment of such a contract.

Others, however, it appears, estimated differently; and the contract was given to a bid lower than mine.

J. MASON.

Annapolis Island, May 1, 1822.

Hon. William H. Crawford to the hon. Josiah Butler, relative to the transfer of funds from the Gulf of Mexico to Norfolk.

Treasury department, April 3, 1822.

Sir—In reply to your letter of the 2d instant, received this morning, requesting me to "inform the select committee on Mix's contract, whether the contract, as stated in the enclosed, was considered as entered into on the 5th of April, 1818, or so entered of record; also, you will inform the committee who applied to you for your proposal in transferring money in the hands of an agent of the government, for the fortifications in the Gulf to the Chesapeake;" I have the honor to state that no contract was enclosed in the said letter, but the second comptroller reports that the contract filed in his office, is dated the 25th of July, 1818, and the third auditor states the same fact, and adds that, if any other date has been given to it in his statements, it is an error.

In reply to the latter part of your letter, I have the honor to state that major Vandeventer, chief clerk of the war department, called at this office, and requested that funds, which were in the hands of the agent for fortifications upon the Gulf of Mexico, might be transferred to Norfolk. I informed him that, if the agent would deposit at New Orleans, or at the Bank of Tombecke, any sum which the war department wished to be transferred to Norfolk, I would have the amount transferred as requested.

The idea of transferring money from one account to another was not understood by me to be involved in the transaction. It was a mere transfer of money from one place to another, and not from one account to another. The funds intended to be transferred, had not only been drawn from the treasury, but had been placed by the secretary in the hands of the agent for fortifications, and was, in no possible manner, subject to my control. It was, however, still public money, which the bank of the United States was bound to transfer, under the instructions and direction of the secretary of the treasury.

I have no recollection that any other person applied to me on this subject, nor do I recollect that any conversation ever occurred between the chief of the corps of engineers and me, on this subject. According to my present recollection of the transaction, Major Vandewater called twice at the department the first time when the secretary was in the city, and the second during his absence; but it is possible that I may be incorrect as to the first.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. Josiah Butler, chairman of select committee.

Deposition of John Hone.

City and county of New York, ss.

John Hone, of the said city and county of New York, merchant, being duly sworn, deposes and saith, that sometime near the close of the year one thousand eight hundred and ten, Samuel Stillwell, then of the city of New York, and now deceased, called at the counting house of Hones and Town, (to which firm the undersigned belonged), and expressed a wish to speak alone and in private with this deponent. He then exhibited, while apart with this deponent, a small part of a strip of paper which appeared to be a note or bill, and showing an endorsement on the back of said paper, asked the deponent if that was the endorsement of any member of the firm, or whether it was the hand writing of some one of the firm. To this question the deponent answered that it was his hand writing, and that the name of the firm was genuine. To this remark, the said Stillwell replied "that is enough, or I am satisfied." This deponent, thinking this kind of conduct very singular, immediately insisted on seeing the paper on which the name of the said firm was so written, and, after some difficulty, obtained a sight of the same, and found that it was a promissory note, drawn by Elijah Mix in favor of Hones and Town, and apparently endorsed in the hand writing of the said firm. The exact amount this deponent does not recollect, but thinks it was between fifteen hundred and twenty-five hundred dollars. Immediately on seeing the said note this deponent discovered that it was a piece of paper two edges of which was green, and the other two white, and expressed a belief that it had been cut out of a receipt book. This deponent then declared that he had never signed such a note, that the firm of Hones and Town had never endorsed such a note; and that the whole was a forgery, and the whole transaction fraudulent, or to that effect. This deponent then went to the police office of the city of New York and informed against the said Elijah Mix, as a man guilty of forgery, and liable to be proceeded against as a criminal. It was at fact generally reported at the time, as this deponent believes, that Mix was guilty of forgery.

Sworn before me this 2d May, 1832.

W. P. VAN KISS,

Judge of the district court of the United States,
for the southern district of New York.

William Van Hook's deposition.

City and county of New York, ss.

William Van Hook, of the city of New York, counselor at law, being duly sworn, doth depose and say, that, during the part of the year 1810, commencing with April, and until after February session, 1811, the honorable Cadwallader D. Colden, now a member of congress from this city, was the district attorney of this state for the district in which this city and county were included, and that the deponent, who had been a clerk in his office, was employed by him to conduct the detail of the business of said office of district attorney. That deponent well remembers drawing, in the month of January or February, 1811, an indictment for forgery under the statute of New York, against Elijah Mix, then lately of said city, merchant, which indictment contained counts for forging and uttering and publishing as true, (scienter, a certain promissory note, purporting to be drawn by said Elijah Mix in favor of Messrs. Hones and Town, of the said city, merchants and auctioneers, and to be endorsed by them. And the deponent also thinks and believes it contained counts charging him with feloniously converting a receipt bearing the genuine signature of Hones and Town to the purpose of a promissory note, thereby making them liable therefor. That, immediately after the detection of the forgery, and before the indictment was drawn, Mix absconded, and for a long time his residence was unknown: That the said indictment was found by the grand jury at the February court of general sessions of the peace, a true bill, and returned by them into court on the 15th of February, 1811. That no proceedings were had in the said case during that court, and previous to the next court, (which was held in April), Mr. Colden was removed from office, and the papers of every description appertaining to the office of district attorney, and disposed of, handed to his successor in office, among which papers was the indictment against the said Elijah Mix. That, in the spring of 1812, Warren Gardener, esq., (formerly a member of congress, and now deceased), was appointed district attorney, and in April of that year, deponent entered into co-partnership with him in professional business, and that, among the indictments handed to said Gardener, by his predecessor in office, was the one against the said Elijah Mix. That the deponent determined that, as soon as his residence could be found, if

in the United States, he would pursue the necessary steps to bring him to justice by demanding him as a fugitive from justice, considering him as well deserving exemplary punishment both from the peculiar nature of the offence, the manner it was perpetrated and the rank he held in society.

That the first intimation the deponent had of his being any where within the United States, was from some notice in the newspapers mentioning him as being then employed in trying to destroy the British ships of war in the Chesapeake. That the deponent considered his being so employed, justified him in withholding any proceedings against him at that time. That some time in the fall of that year, or early in the spring of the ensuing year, [1813] deponent, acting as district attorney, was applied to by the courts of William Adams and Samuel Epling, or by themselves, who, (one or both of them), had been sued in an action of damages for a large amount, to enter a *nolle prosequi* on said indictment, which application was bottomed on the fact of Mix then being mercatoriously employed by the government in the service of his country, and also on the fact of his being a very material witness for them in the said cause then about being tried; that without his testimony great injustices would be done to them; and that the ends of justice would be much more subserved by discharging him from prosecution on the indictment, than by getting him on here at a great expense and trying him; the respectability of his family, of his father-in-law, (a Mr. Samuel Cooper), and the fact of Messrs. Hones and Town not having sustained any injury from the prosecuting the forgery, were also urged as motives for entering the *nolle prosequi*. The deponent was also requested to make application to Mr. chief justice Kent, now chancellor of this state, and to the honorable De Witt Clinton, and Josiah Ogden Hoffman, the mayor and recorder of the city, for their opinion and advice on the subject, which he accordingly made to them, and on a mature consideration, and deponent believes a consultation among them, he was advised that in there opinion it was a case wherein he might enter a *nolle prosequi*, and that the ends of justice would be much better answered by doing so than by proceeding there on, and the deponent accordingly determined to enter such *nolle prosequi* at the court then sitting, but which was not done in consequence of the indictment being fraudulently, and under false pretences taken from the possession of the deponent by a person who subsequently admitted to him that he had destroyed it. For this reason a *nolle prosequi* was not entered and cannot now be produced. Some time after the war Mix returned to New York, and commenced business as an auctioneer, and so continued till he became bankrupt, and the files of the court show, that he was discharged under an insolvent law of our state as an insolvent debtor, on the 17th of April, 1817. During the time he conducted the auction establishment which was called "The Ladies' Auction Room," his character for honesty was generally so far as the deponents knowledge and information extended, held to be very bad. And the deponent has frequently heard him charged with having practised gross fraud in sales made by him.

Sworn before me, this 2d May, 1832.

W. P. Van Hook, Judge of the district court U. States, for the southern district of New York.

May 1, 1832.

Dear sir: I have examined the minutes of the court of general sessions of the peace of this city, and find that, on the 15th February 1811, the grand jury presented a bill of indictment against Elijah Mix, for forging an endorsement of a promissory negotiable note in the name of Hones and Town, and uttering the same, (scienter), but I do not find the indictment on file, and of course cannot give you a copy as you request.

William Van Hook, esquire. I understand, can give the reason why the indictment is missing from the files. I am, sir, yours &c.

RICHARD HATFIELD.

Ch. G. Haines, esq.

Mr. Hatfield is clerk of the court of general sessions.

CH. G. HAINES.

[Papers to be continued.]

As a general answer on such subjects, our readers and friends will please to bear in mind that, we very rarely, indeed, if ever, publish *anonymous* remarks on official articles, and it is against our rule also, to give a one-sided view of any subject if another is furnished with like claims to credence, and presented in a decorous manner. Many things are said and done to affect the character of particular men or measures, that we do not notice at all; and it is our design always, either not to notice a subject, or to afford a view of the whole ground of it, if we can.

TRULY MORTIFYING. A much respected friend in New York, in some matter of dispute, having had occasion to refer to the official copy of the constitution of the state, found that it materially differed from ALL the newspaper copies of that instrument which he had, and several of which he compared it with. The constitution as inserted in the REGISTER, was copied from one of the most respectable newspapers in the city of New York, which a

could name, if necessary. A notice of the different errors between that copy and the official one, fills two closely written pages, of folio cap paper!

Designing that the *Register* shall preserve its character of fidelity for reference, I sincerely thank the gentleman for the information which he has given me, whilst really astonished at the multitude and magnitude of the errors pointed out. Those who use this work will please to regard the paper published in the 21st vol. of this work, page 205, &c. as too imperfect for use and as cancelled; the place of which shall be supplied by an insertion from an *official* copy, as soon as the room can be spared for it.

"THE RIP RAP CONTRACT." With considerable exertion and the use of our small type, we have reached a good stopping-place in the documents appertaining to the report of the committee to whom this matter was referred—but there are several papers yet behind, of a supplementary or explanatory character, that shall be published next week; after which, we propose to commence an insertion of the president's views of the subject of internal improvements. When we get through with that and two or three other papers of considerable length and importance, especially the proceedings of the senate on certain late military appointments, we shall take up the *census* of 1820, and present it in what we hope will prove an acceptable form, with several statistical tables growing out of the facts furnished.

IMPORTANT. Mr. *Torres*, was received by the president, on Wednesday last, as charge d'affaires of the republic of Colombia. He is a most excellent man, one of the most enlightened of his own or any other country.

MESSRS. ADAMS AND RUSSELL. It is understood that Mr. Russell is preparing a reply to Mr. Adams' remarks—it shall be inserted when received. A sketch of the proceedings in the house of representatives (not heretofore published), when the letters of Mr. Russell were called for, is now inserted, as necessary to a better understanding of the merits of the matter.

AFRICAN COLONIZATION. Some gentleman unknown, has sent us a piece which he seems to desire may be published in all the papers of the U. States, inviting the people, when assembled to celebrate the ensuing anniversary of their independence, to contribute, according to their ability, to the funds of the "American Colonization Society." We must respect the motives of our correspondent—the day designated is exactly fitted for the performance of acts to benefit the human race,—but believing as we do, that the benevolent project will not have the least sensible effect in relieving us of that description of our population which all men regret was ever introduced in America, and yet doubtful, also, whether the happiness of the few persons that might be induced to emigrate would be in any wise promoted by doing so—we use the discretion rightfully vested in us, of withholding the article; as we would do any other of the same character that might lead the people to look abroad for objects of charity, while there are so many objects of it at home. We would rather hear of the establishment of a humble charity school in our own land, than the building up of a most splendid mission to convert the heathens of India or Japan.

THE FLORIDA TREATY. The whole number of claims preferred before the commissioners for adjusting them, at this time amounts to more than sixteen hundred.

It is believed that the board, anxious to proceed with the business committed to them, will soon adopt measures to obstruct, if not refuse, the reception of new claims. Indeed, we should suppose that the period has nearly, if not quite arrived, when such proceedings should take place.

PIRACY. The New York papers give us an account of a most horrid act of piracy, committed on the 15th of May, on board of the brig *Aurilla*, of New York, from Baltimore for New Orleans. She was boarded off Key Sal, from two piratical schooners, well fitted with great guns and small arms, and manned by forty or fifty men each. The passengers and crew were beaten in the most shocking manner; and one of them was hung up to the yard arm, and then dropt into the water apparently lifeless. The brig was plundered of every thing that was valuable, at the will of the wretches, the passengers being robbed of their clothing, watches, breast-pins, &c. and they delighted to destroy what they did not please to take away. The villains crowned their crimes, by ravishing the women that were on board, and committing the most brutal and shocking excesses on their bodies! After which the pirates released the vessel. On the 17th of May the *Aurilla* fell in with the U. S. schooner *Shark*, the commander of which, after behaving most kindly, immediately proceeded in search of the pirates. The brigs *Hiram*, of Newport, *Fair Trader*, of Boston, and *Busby*, of Rhode Island, were robbed on the same day and brought to anchor by the pirates near the *Aurilla*—but further particulars have not been received of them, except that they also were released.

In regard to such terrible proceedings, we would apply the reasoning of the venerable Dr. James Tilton, of Delaware, lately deceased. Writing to a friend, who had interfered in behalf of a tory, in 1775, he said—"You cannot be ignorant that the law of the land is insufficient to protect us against the violence of Great Britain, and that therefore, 'America has long since recurred to the law of nature, by virtue of which she hath strengthened her hands. As we have no law of the land by which we can punish tories and traitors, the natural law of necessity takes place. Natural law has justice alone for its object, and in Mr. C's case the sole question ought to be, has he received more than he deserved,' &c. [See "PRINCIPLES AND ACTS OF THE REVOLUTION," just published by the editor of the *REGISTER*, page 259.] So, as there is no law to pursue these wretches on shore in Cuba, &c. and the local authorities have not the power or want the will to break up their establishments, 'natural law must of necessity take place,' and higgings about the law of nations must yield to its just operation.

We notice, since the above was written, the robbery of several vessels, when near Havana, by persons in open boats, armed with muskets and swords. They plundered the passengers and crews of what they liked, and, in one case, even robbed a Spanish priest of his clothes! But, in an attempt to capture the brig *Belvidera*, from Port au Prince, in a schooner of about 35 tons, with one 6 pounder and small arms, and, as was supposed, between 20 and 30 men, they failed; the *Belvidera* being also armed with one heavy gun and musketry. The pirate came close along-side the brig, ordered her to surrender,

and fired into her—but the fire was returned, and six of the pirates were seen to fall, among them the captain. Another shot caused the schooner to retire with only seven men on deck. The brig had one man killed, and received 40 musket balls in her hull, &c.

The following is an extract from the log-book of the *Belvidera*—"2d May, spoke the U. S. schooner *Alligator*, lieut. Stockton, off Sugar Key, (Cuba); was informed that they had burnt one schooner and taken another, and a sloop, from the pirates, besides an English brig, the captain and mate of which the freebooters hanged. The *Alligator* had also retaken the Colombian schooner *Senega* from the crew, who had mutinied and run away with her. When the *Belvidera* parted with the *Alligator*, captain Stockton was in-shore with 70 men from the *Grampus* and *Alligator*, on board of a schooner of an easy draft of water, and they were exchanging shots with a piratical schooner manned by 70 men. From her position it was considered doubtful whether the pirate could be carried. The famous Lafitte was among them. Captain Stockton had taken no prisoners."

This shews that our officers and seamen are very active—but it proves, also, that they must have the sanction of government to enter the country in pursuit of the miscreants.

The people of Cuba are very indifferent to these things—in reference to the *quasi* S. American privateers fitted out in the United States, they say, "*it is so much for so much*," and think no more about it. We were always opposed to the *pirateering system*, and have only to wish that those who got it up were the sufferers by it.

UNITED STATES BANK. A paragraph is inserted in the Philadelphia papers, which informs us that the cashier of the branch bank at New York, had closed the account of a very respectable house in that city, because the house had asked for the sum of \$15,000 in coin; and asks "can this proceeding be sanctioned by the parent bank, or is such a step authorized by the charter of the bank?"

The charter of the old bank did not give the directors power to say that all their customers should mount a *black cockade* in 1798 and 1799—yet they would not have customers that, at least, marched not with those who wore such cockades; and I never have doubted that the present bank possesses and will exert *such* powers as the old bank did.—Surely, it may rightfully say whose accounts it will keep—but the right and expediency of raising up this tremendous institution is another affair—which the people may soon more deeply enquire into, "with groanings that cannot be uttered." We do not know it, as yet, it has interfered in politics—but that it will, we cannot any more hesitate to believe than that all men must die, unless its power to act is in some way crippled again. But under whose *cockade* it will require its customers to march, we cannot tell.

VALUE. We observed the other day, that dollars and cents, if accepted by themselves, afforded no criterion of value. The price of bread stuffs and meats are not so high in England, generally, as in our own principal cities and towns, yet it is thought that one third of the people of that kingdom are totally, or partially, dependent on public or private charity for subsistence—whereas, in the United States, the class of paupers does not amount to more than a one hundred and fiftieth part of the whole population. The prices of wages here, ave-

rage twice or thrice as much as the amount paid in England, and the demands of government are light, if compared with those in that country—hence a dollar paid for wages in the United States affords no criterion of what a dollar is, if paid for wages, in England: the value depends on considerations totally different from those connected with a certain weight of silver. The more we think of it, the more are we impressed with the idea, that it is necessary to the public and individual benefit, that the manner of making heavy government contracts should be radically reformed.

THE WEST. A Kentucky paper complains, that, of 74 officers in the army, "of the rank of field and upwards," the "eleven states and territories west of the mountains have but *four*." The proportion is supposed to be "equally enormous among the captains and subalterns." "We are one third of the union," says the paragraph, "without a single member of the cabinet."

We cannot approve of attempts to excite local, sectional feelings—but here is apparently good cause for complaint as to offices in the army, which, we must presume, was purely adventitious, or to have arisen out of the fact that the proportion of officers from the western states was small compared with that from others, at the close of the war; for the belief cannot be entertained that a *set* was made against the retention of officers from any part of the union, on local grounds, except to retain some from every part. The office of secretary of war was first offered to gov. Shelby and then to Mr. Clay, but they both declined the appointment.

The representative principle of our government ought, undoubtedly, to be extended to and be respected in every branch of the public service, when not incompatible with the public good, so far as circumstances will admit of: and, when the claims of individuals are equal, some regard might be had to the states to which they belong, without any apparent injury—but, on the contrary, with probable benefit.

THE NORTH-WEST. The Detroit Gazette heads an article, descriptive of the present territory of Michigan, with the words "state of Michigan." The advantages that will be afforded to this country by the Erie canal, are thus spoken of—"If the calculations made with respect to the rates of transportation on the New-York canal, should be verified, of which there appears no reason to doubt, the difference between a barrel of flour, (for example), at the cities of New Orleans and New York, will equal the cost of transportation from Detroit to the latter place; consequently, a barrel of flour will be worth as much at Detroit as at New Orleans."

The northern part of Ohio, bordering on lake Erie, is very rapidly populating and improving. Sandusky, Cleveland and other towns, have become places of considerable life and activity. It is ascertained that the harbor of the former has, in no place, less than seven and a half feet in the channel. A church, academy and a number of genteel dwellings, have lately been erected at the latter—and an extensive paper mill is expected to be in operation in September next. Two permanent bridges over the Cuyahoga river, were about to be built, at the distance of half a mile from each other, for the public accommodation.

The first public stage has just started running in Michigan. It proceeds from Detroit, weekly, on the arrival of the steam boat, for the seat of justice of Macomb county.

LABOR. Judge Peters, in his late address to the Pennsylvania Agricultural Society, says that he sent an American cradle to a friend in England, which was used by an American cradler—but it roused the jealousy of the English *reapers*, and its use was intermitted!

HOUSEHOLD MANUFACTURES. At the last Pittsfield cattle show and fair, Mrs. Perkins exhibited ample proof that, since the last anniversary, *herself and four girls* had manufactured 438 yards of filled cloth, 171½ yards raw flannel, 53 yards carpeting, 142½ yards table cloth and other linen goods—in all 805½ yards.

"NEGRO CLOTH." The coarse cloth known by this name, and manufactured in the United States of cotton and wool mixed, is rapidly superseding the British cloths imported for clothing the slaves in the south. The domestic article is at the same price as the British, and experience has proven that it is much more durable. It is, therefore, in every way advantageous to the American planter to purchase the American cloth; and it would afford no small relief to the country, if all the value heretofore sent abroad for the clothing of slaves should be retained at home, for the domestic supply and circulation. It must amount to several millions a year—but many tens of thousands of slaves are clothed in household manufactures, and by the labor of their own hands, in the winter season.

STRANGE INFORTUNATION. A quantity of *wheel barrow*s have just arrived at New York from Scotland. The 'Statesman' supposes that this adventure may have been caused by the Edinburgh reviewers, who ask, 'who reads an American book?' so that the adventurer thought he would inquire 'who wheels an American wheel barrow?'

THE VICE-PRESIDENT. It appears that the claims of Mr. Tompkins against the U. States, amounted to the sum of \$639,311—the chief item of which, amounting to \$447,760, was for 6 per cent. stock, with interest, as allowed to the corporation of New York, in their settlement with the United States; Mr. T. believing that he was entitled to the benefit of similar terms. The jury, however, in considering the case, appear to have had regard only to the items that seemed to be on account of money expended or otherwise lost to Mr. Tompkins by his agency, and to have refused to admit what he might have made, if the moneys, advanced or disbursed by him, had been settled upon the same terms as other settlements, of like nature, were effected.

"After a trial of four days of investigation as to the facts, (says the New-York American), and much discussion on the variety of incidental questions that must always occur in so important and intricate a cause, the jury presented a verdict for the defendant, and, individually, delivered to the vice-president the certificate referred to in a former number of this paper. As this certificate has, by many, been misunderstood, it may well here to explain it. By a law of this state, where an amount is for a defendant exceeding that claimed by the plaintiff, it may be presented to the court as a part of the finding of the jury in the form of a certificate. It forms part of the record in the cause, and execution issues on it as on a judgment. But it is limited to the case of individuals and to the state courts. It has, therefore, no application or obligatory force in the federal government, and, in no instance, was it ever presented in a federal court, except in the present

case. It must, however, be considered as a high expression of the wishes, feelings and opinions of twelve respectable jurors towards the man who, by universal consent, deserves some indemnity for his sacrifices, and some reward for his great public services. Exceptions were taken by Mr. Tillotson to the opinion delivered by the court, which are now pending, and which may eventuate in a new trial.

JUDGE CLARK, of Kentucky, sometime since, gave an opinion that a certain act of the legislature of that state, in passing some stop law, stay law or relief law, was unconstitutional, as violating the obligation of contracts, &c. For this he was summoned before the house of representatives, and appeared on the 24th ult. to shew cause why he should not be removed from his office of a judge. He defended himself in writing, and, after a whole day's discussion, the question on removing him was taken and decided as follows: for the removal 59, against it 35. As there was not a constitutional majority for it, the resolution was lost. It was believed that a decided majority of the senate was opposed to the proceeding, and the governor cannot remove a judge in this state, unless on the request of two-thirds of the members of both houses.

There are two parties in the United States, most decidedly opposed to each other as to the rights, powers and province of the judiciary, which many people believe are equally in the wrong. One party almost claims infallibility for the judges, and would hedge them round about in such a manner that they cannot be reached by popular opinion at all, and hardly by any other means: the other would subject them to the vacillations of popular prejudice, and seemingly require it of them to define and administer the law, and interpret the constitution, according to the real or apparent expediency of things. It is essential that the judges should not be subject to discharge, except on very strong grounds—yet it seems equally necessary that some plan should be adopted by which the cool and deliberate opinion of the people may be brought to act concerning them. It appears to us that the scheme hitherto suggested in this paper might accomplish an important purpose—it was, that the judges of the United States, and in the several states, should be appointed as they now are, on "good behaviour," but for a certain number of years, and that, at the expiration of this period, their commissions should cease, unless re-confirmed by the senate—which might be done without the necessity of impeachment, but not without a patient hearing of the party whose conduct or opinions were at variance with the judgment of this branch of the legislative power.

NEW-YORK CITY. We have the usual annual report of the finances of this great city. The following items may afford a general idea of its present condition:

The receipts during the year, ending with May, 1822, amounted to 550,553 dollars; the disbursements to 593,581, the deficiency being paid out of a former balance in the treasury, but leaving now only 4,969 dollars therein.

The gross amount of the city's debt is 1,345,000—but the sum redeemed and in the hands of the commissioners of the sinking fund, reduces the debt actually owing to 1,102,240 dollars.

The Fulton market, a splendid improvement, and yielding a large revenue, has cost the city 203,343 dollars. The annual rents paid to the city amounted to 75,510. The almshouse, including the 27,

proprietor for a *pin manufactory*, cost 83,000. The opening, &c. of streets 55,132—the city watch 54,214—the salaries amounted to 29,228.

CONGRESS OF THE UNITED STATES. A gentleman of Ohio, during the last session of congress, prepared a table shewing the names, places of birth and professions of the members of the house of representatives—out of which the following is abstracted:

STATES.	Lawyers.....	Farmers.....	Physicians.....	Merchants.....	Manufacturers.....	Printers.....	Clergy.....	TOTAL.....
Maine	4	1	0	1	0	0	1	7
New-Hampshire	3	1	1	1	0	0	0	6
Massachusetts	9	1	2	1	0	0	0	13
Rhode-Island	1	0	0	1	0	0	0	2
Connecticut	4	0	0	2	0	0	1	7
Vermont	5	1	0	0	0	0	0	6
New-York	16	7	0	1	3	0	0	27
New-Jersey	1	1	4	0	0	0	0	6
Pennsylvania	9	10	2	1	0	1	0	23
Delaware	2	0	0	0	0	0	0	2
Maryland	4	3	1	1	0	0	0	9
Virginia	10	9	3	1	0	0	0	23
North-Carolina	4	7	1	0	0	0	1	13
South-Carolina	3	6	0	0	0	0	0	9
Georgia	3	2	1	0	0	0	0	6
Kentucky	8	2	0	0	0	0	0	10
Tennessee	3	2	0	1	0	0	0	6
Ohio	2	1	0	2	0	1	0	6
Louisiana	1	0	0	0	0	0	0	1
Indiana	1	0	0	0	0	0	0	1
Illinois	1	0	0	0	0	0	0	1
Mississippi	1	0	0	0	0	0	0	1
Alabama	1	0	0	0	0	0	0	1
Missouri	1	0	0	0	0	0	0	1
	97	54	15	13	3	2	3	187
Territories—Michigan	1							
Arkansas	1							
	99							

The members were born in the states and countries following:

In Virginia	37	Brought over	170
Pennsylvania	27	In Georgia	4
Connecticut	27	Kentucky	4
Massachusetts	23	Rhode-Island	2
North-Carolina	13	Delaware	2
New-York	12	Tennessee	1
Maryland	10	Maine	2
New-Jersey	8	Ireland	3
South-Carolina	8	Bermuda	1
New-Hampshire	5		
		Total	189

Carried over 170

Maine—7 members: 2 natives, 4 born in Massachusetts, 1 in Connecticut.

New-Hampshire—6 members: 5 natives, 1 born in Connecticut.

Massachusetts—13 members: all natives.

Rhode-Island—2 members: both natives.

Connecticut—7 members: 6 natives, 1 born in Massachusetts.

Vermont—6 members: not one a native, 4 born in Connecticut, 2 in Massachusetts.

New-York—27 members—12 natives, 10 born in Connecticut, 2 in Massachusetts, 1 in New-Jersey, 1 in Maryland, and 1 in North-Carolina.

New-Jersey—6 members: all natives.

Pennsylvania—23 members: 18 natives, 1 born in Connecticut, 2 in Ireland, 1 in New-Jersey.

Delaware—2 members: both natives.

Maryland—9 members: 7 natives, 2 born in Pennsylvania.

Virginia—23 members: all natives but one, born in Bermuda.

North-Carolina—13 members: 9 natives, 4 born in Virginia.

South-Carolina—9 members: 7 natives, 1 born in North-Carolina, and 1 in Georgia.

Georgia—6 members: 3 natives, 1 born in Connecticut, 1 in Virginia, and 1 in North-Carolina.

Kentucky—10 members: 3 natives, 6 born in Virginia, and 1 in Pennsylvania.

Tennessee—6 members: not one a native, 3 born in North-Carolina, 1 in Virginia, and 2 not stated.

Ohio—6 members: not one a native, 4 born in Pennsylvania, 1 in Connecticut, and 1 in Virginia.

Louisiana—1 member, born in Connecticut.

Indiana—1 member, born in Pennsylvania.

Mississippi—1 member, born in Pennsylvania.

Illinois—1 member, born in Kentucky.

Alabama—1 member, born in North-Carolina.

Missouri—1 member, born in Maryland.

Michigan Territory—1 delegate, born in Massachusetts.

Arkansas Territory—1 delegate, born in Virginia.

The preceding statement presents some curious facts to shew the direction and power of emigration from the old states to the new ones. The six most eastern states are represented only by natives thereof; yet not one of the whole is a native of Vermont, this being a newly settled state compared with the others. The very great increase of population in the state of New-York is well known, and it is evident that Connecticut has contributed a large number to it. New-Jersey, Pennsylvania, Delaware, Maryland and Virginia, with 63 members in the whole, have, together, only five members not born in those states. North-Carolina, South-Carolina and Georgia, with 28 members, have 22 natives of these states, the rest of Virginia, save one. Kentucky is the only new state that has a native to represent it in congress—a particular reference to the rest will naturally suggest all the remarks that might be made about them, except that when a state is represented by a single member, the place of his nativity is not be considered as an index of the force of emigration.

It must be recollected, however, that the present congress was elected under the old ratio of representation and division of districts in the states. The next congress will shew very different results in various instances, and, compared with the present, afford room for much political speculation.

CURIOUS LAW CASE. A suit is going on in Livingston county, N. Y. by a certain person, for the recovery of his wife! The lady is legally married to the plaintiff, but detained by her father as being a minor, and as such liable to render him service. On this ground, the husband was non-suited; but, on a subsequent day, the non-suit was set aside, and a new trial granted.

The eastern papers abound with cases of prosecutions for breaches of promise of marriage, and many faithless swains are subjected to heavy damages. It would appear as if the 'hard times' had rather checked a desire for matrimonial connection on the part of the males, and as if the females had become very restive under 'hope deferred' and were "made sick."

SOUTH AMERICA. The British seem to become rather uneasy at the measures pursued by the U. States, in regard to the southern republics, as if they feared a loss of some part of the trade of those interesting countries—The following is from the *Courier*, a semi-official paper:

"It is not easy to conceive a greater political absurdity than is displayed in the conduct of the revolutionists of Spain. The pretended assertors of liberty at home, they would fain be the positive prohibitors of it to the Spanish colonists, or at least, would grant only the name, without the reality. But not content with this, they go a step further, and though Spain cannot equip a single vessel, nor despatch a single regiment, to recover its lost dominions, the cortes still indulge in the peurile affectation of debating upon what they will concede and what withhold. *We believe it would be as practicable for them to remove the Andes, as to regain one inch of the territory, or one atom of the power, that has been wrested from the mother country. The time for negociation is irretrievably gone by, and the patriot cortes may defer the thing as long as they choose, (for it is of no value to those from whom they withhold it), but all that is now left to them to do is, to go through the mere form of granting what they are incapable of denying.*"

Indeed!—and the whole doctrine of 'legitimacy' at once prostrated by the majesty of the people! Very good!

BRITISH INTERESTS. The following is an extract of a letter from Leeds, dated 15th of March last, published in the 'Aurora' of the 14th inst.

"Labor-saving machinery continues to increase in every branch in this country. If it be profitable here, where the population has increased one-fourth in twenty years, and seven-tenths of the population are employed or supported by manufactures, I should presume that with you, where wages is high, the advantage would be proportionably greater.—There was great rejoicing in all parts of this country when your tariff bill was rejected last year. I suppose you have given it up, and mean to employ us in spending your money as usual. The concerned here do not conceal that they left *no stone unturned* to defeat your tariff; and you must not be offended when I say that I, myself, rejoiced at it; I love America very much, but I should have been sorry to see many hundreds of our poor people thrown out of bread in my native country, which would, to a certainty, have been the case had the tariff been carried; for it is not *we, the people*, here, as it is with you; here it is *we, the noblemen, gentry, capitalists, merchants and manufacturers. The laborers, or the industrious people, are terms that we seldom or ever hear of in our legislation. Our working people, nevertheless, would not have fared so well as they now do, had not the free new republics in South America thrown off the Spanish yoke—the small advance in the last spring and summer, (1821), was considerably reduced again after the harvest; wages, I think, cannot go lower; goods of all descriptions are shipping off in abundance to the new republics.*"

IMPORTANT LAW CASE. *Boston June 12*—A question has for some days past been pending before the district judge, of this district, which has excited very great attention among the dealers of stock and exchange, and generally in the commercial community, from the extent and novelty of the principles which were understood to have been assumed in the case.

A debtor of the United States bank was possessed of a certificate of stock in his own name to a large amount, and, on the day the notes became due, he having failed, the bank filed a bill in equity and prayed that an injunction might issue to restrain any transfer until a decree should be made on the claims set forth in the bill. The declared object was to appropriate the stock in question to the payment of the notes due the United States bank.

This claim was resisted by the debtor. On Saturday last the district attorney, Mr. Blake, addressed the court in support of the bank, and the counsel of the opposite party, J. T. Austin, esq. was to have been heard yesterday, to which time the court stood adjourned. It appeared by the answer of the respondent, that the property in question was in fact holden by him as trustee, under a decreetal order of the circuit court, and that the claim of the bank was resisted by him for this reason, among others, that the trust property, although nominally standing in his own name, was not legally liable for his private debts.

At the opening of the court yesterday, the person for whom the respondent was trustee, appeared, by Daniel Webster and S. K. Williams, esqrs. as counsel, and, by a supplemental bill, claimed the funds in question as part of the trust fund. Whereupon, by consent and without argument, the district judge dismissed the petition of the United States bank and decreed on this latter claim, that the stock should not be transferred until the next term of the circuit court of the U. States.

The general question, therefore, about which so much interest has been excited, was not discussed and has received no decision; but we understand that some other claims of a similar nature are about being brought forward, in which these important principles will necessarily receive the attention of the court.

FOREIGN NEWS. An arrival at New-York furnishes us with extracts from London papers of the 7th of May. The following are all that have reached us that appear worthy of notice—for which we are indebted, as we usually are, to the "Commercial Advertiser."

Great Britain and Ireland. In the house of commons, the marquis of Londonderry brought forward his long expected motion for the relief of the agricultural distress. The first proposition of the noble marquis, was to lend to the agriculturalists the sum of one million sterling, when wheat was below 60s. per quarter, on the security of grain to be deposited in the king's warehouses. The second, and by far the most important part of his plan, is the imposition of new restrictions upon the importation of grain. One of the objects he proposed was to prevent any large influx of grain upon the first opening of the ports; and the means by which this was to be effected, is the imposition of an additional duty of five shillings per quarter for the first three months after the ports are opened: which is not to take place until the average price of wheat is 80s. when it might be imported on the payment of a permanent duty of five shillings, and a further duty of other five shillings for three months. If the average price of wheat should rise to 85s. the permanent duty would only be 1s. but there would still be what might be called the provisional duty, which was to be paid, under all circumstances, for three months after the ports were opened. If wheat should descend below 80s. the ports were to remain open until it

tell to 70s. but whilst it remains below 80s. it would be subject to a permanent duty of 10s. and the additional duty of five shillings, supposing the ports at that time should not have been open three months. When wheat was below 70s. the ports were entirely closed.

A motion to abolish one of the post masters-general, was carried in opposition to the ministry by a majority of 15, and the decision was received by loud cheers in the house of commons.

Some propositions, in regard to private bankers, are to be considered that may increase the paper circulating medium of the country. The finances appear to be in a very bad condition—and, judging by what we have seen, the prudent conduct is recommended of providing for to-day and suffering the morrow to provide for itself, according to our own plan of management. It seems to be bottomed likewise on an invasion of the sinking fund.

Much has been said of the reduction of taxes in Great Britain—but it appears that the income tax, the tax on the rich, is the chief tax that has been repealed. The poor and productive classes remain nearly as they were.

The stocks have been subject to many ups and downs—by various reports and rumors, &c. The French and Austrian funds are generally rising, in the belief that there will not be a war between Russia and Turkey.

An additional duty on cotton is strongly talked of, and will probably be adopted—to amount to about double of the present rate on the article, not the product of the British colonies.

The dukes of Bedford and Buckingham lately went out to shoot at one another. The latter was the challenger, and fired at the other, who fired in the air; and so they shook hands, took a glass of wine and separated, quite pleased with one another, unhurt.

"Hung be the Heavens with black!" The duchess of Clarence was lately brought to bed with twins—but the royal babies, the hope of "the nation," who might have been kings or queens, died—just like other babies have done. The duke of Kent's wife, we believe, has a child, and this failure of the duke of Clarence's spouse, opens the way for her illustrious infant to the throne.

The 58th regiment has arrived at Gosport from Jamaica, West Indies. This regiment left Ireland in 1816. and has lost since that time 5 officers, 530 men, 119 women, and 200 children, nearly the whole of whom were carried off by the local fevers of Jamaica.

There are some details of the condition of Ireland, especially of the state of the county of Clare. Famine prevails, and the amount of the distress is so great, as to be declared to be beyond the means of the government to relieve. The people have become desperate in seeking for food, and hanging will not stop stealing it. A man would rather be hung than be starved himself, and see his family also perishing around him.

Subscriptions were raising for the relief of the people of Ireland. The want of food has produced a virulent fever, of which many died. The *Clare Journal* says—"The affording instant relief would prevent the magistracy and civil powers from the performance of a most revolting duty to their feelings, namely, the hunting after human spectres maddened by hunger and despair, and whose patience is unequalled in the history of mankind; dying with hunger, without committing any excesses worthy of notice."

France. The chamber of deputies has been much disturbed—and great alarm exists in some of the departments by incendiary acts, the object of which, except that of pure villainy, does not appear: but the country, at large, is reported quiet.

The London "Sun" says—"It is calculated there are now above 20,000 English families in Paris: none are living in greater splendor than the duke of Hamilton and lords Stair and Fife. They seem to be the life and soul of the gay world. These three noblemen alone must expend above 100,000*l.* per annum. At the small village of Tours there are 400 English families who keep carriages, &c. besides others who are less opulent."

Spain. It is reported that a Spanish army of equal force with that of the French corps stationed on the frontiers, will be immediately marched to the passes of the Pyrenees.

Portugal. The frigate *Perola* has sent into Lisbon the ship *Heronia*, of 26 guns and 135 men, captured without resistance. Though sailing under the flag of Buenos Ayres, it appears that the latter had plundered many Portuguese vessels.

Northern Europe. It is calculated that 2,000 ships have been wrecked, and 20,000 men destroyed, by the late gales on the coasts of northern Europe.

Russia and Turkey. There are many rumors, not worth notice in detail, as to the present relations of these countries. They favor the idea that there will not be any war.

Turkey. The Greeks appear to have made considerable progress in government. The "national congress" was to meet at Corinth—each province or district is to have a subordinate legislature. These districts are the Peloponnesus, Western Greece, Eastern Greece and the islands in the Archipelago. The sketch of the constitution, however, adopts a state religion.

A Turkish fleet that visited Egypt, was nearly destroyed by a storm, when in the harbor of Alexandria.

There is still some talk of a division of Turkey among the holy allies—Russia, Austria and Great Britain.

West Indies. The port of St. Marks, Hayti, has been opened to "foreign vessels, conforming to the custom house regulations."

Timber for building and shingles from the United States, are not to be subject to duty at the said port for one year.

An earthquake at St. Jago de Cuba, injured a number of houses, and, by the fall of the walls of the custom house, the collector had a leg broken.

Six French slave ships were fitting out at St. Thomas' for the coast of Africa.

Brazil. The editor of one of the newspapers of Brazil, in mentioning that the Portuguese cortes had passed a resolution that the prince royal should travel in Europe and visit the principal courts for the purpose of maturing his political education, observes that it would have been much better to assign the United States of America as the theatre of his travels; for, here, he would learn the true principles of liberty, and witness the true science of government in full operation.

Columbia. Mr. Zea, at Paris, has given notice that the agents of the republic in London, will pay the interest due on the bonds issued by the vice president.

A party of royalists from Porto Cabello have retaken Coro. The latter had received a supply of provisions, and will probably hold out a long time.

Chili. Some difficulty exists between general San Martin and admiral Cochrane, about the mo-

ney that was seized in Peru by the latter, in which it rather appears that he stands as justified by the Chilians.

Mexico. A minister from the provisional government is said to have arrived in Europe.

The castle of St. Juan de Ulloa still remains in possession of the royal force. This military work is said to have cost nearly eight millions of dollars.

The republic of Colombia has appointed a minister to the Mexican government.

Gen Iturbide, it is said, was proclaimed emperor of Mexico on the 18th of May, much to the satisfaction of the natives of the country.

Canada. Betwixt the 29th of May and 4th of June, 78 vessels arrived at Quebec from Europe, conveying 1,262 passengers.

Congressional.

FROM THE NATIONAL INTELLIGENCER

It is one of the most vexatious incidents that has ever occurred to us, of lesser importance, that we mislaid our notes of the proceedings which took place in the house of representatives on the 7th May last, on Mr. Fuller's motion, respecting Mr. Russell's letter, and on the bill authorising the change of the site of the canal in this city, both of which debates we hoped to have published. We have the more reason to regret the circumstance, because a curiosity has been expressed to see what was said on Mr. Fuller's motion. A friend, who attended to what passed, has furnished us, from memory, with the following sketch of the proceedings on that occasion. It is brief, but is believed to be substantially correct.]

House of representatives—7th May, 1822.

Mr. Fuller's resolution, which was submitted yesterday, requesting the president to communicate the letter of Jonathan Russell, esq. relating to the treaty of Ghent, together with such communications as had been received from the other plenipotentiaries, or either of them, in explanation of the letter of Mr. R. was called up, and on the question of its adoption—

Mr. Floyd said, he had moved the original resolution for the Ghent correspondence, with an expectation that it might throw some light on the importance of the Columbia river, and the bill before the house proposing an establishment there. As the president, however, had not thought proper to communicate the letter in question, when specially called for, he (Mr. F.) had moved to have the message committed to a committee, of which he was a member, but the motion had not prevailed. He had, however, hoped since he had desisted from again requesting the letter, that no other gentleman would have proposed it. It was manifest that it had been withheld to prevent the excitement and ill blood which the contents might produce. He hoped the resolution would not be adopted.

Mr. Fuller said, he was happy to hear from the gentlemen from Virginia, that he had been induced to abstain from a further call for Mr. R.'s letter to prevent the excitement of "ill blood," and he would by no means be behind him, (Mr. Floyd), in such a laudable intent; but in his opinion, the communication of the letter, and of the explanation of the other commissioners, to congress and to the public, would have a far greater tendency to allay the ill blood, if any existed, than the suppression of the explanation, while the letter was in effect made public. The president's message informed us, Mr. F. said, that he had transmitted the letter to the department of state, and directed copies of it to be

delivered to persons who should apply—consequently, it would soon reach the newspapers, while the comments or explanations which ought to accompany it, would be effectually suppressed. Nothing, in his opinion, could be more unfair than thus to stifle all reply. It reminded him, he said, of what he had of late frequently witnessed in this house, when some bill was pending, and, before it was understood, one of its opposers would make a speech against it, and conclude with a motion to lay it on the table, which precluded all debate, and, consequently, all explanation. The indignation produced by such a course, every gentleman must have observed and sometimes have felt. There was nothing so safe and honorable as a full disclosure of the statements of both sides. He regretted, he said, that his colleague, the writer of the letter, was not in his seat, as he was sure he could not object to the call, more especially as it appeared from the message, that the gentleman himself had furnished to the department, a duplicate or copy of the letter to be communicated to congress, before the original had been found. As to the suggestion, that the Ghent correspondence, or the letter in question, could throw a single ray of light on the subject of the occupation of Columbia river, it was too improbable, Mr. F. said, to have entered his mind; but, if the gentleman from Virginia, (Mr. Floyd), had expected it at first, he could see no reason for his giving over the pursuit. He hoped the house would see the obvious justice of adopting the resolution.

Mr. Cocke, said, he could see no reason for calling for the letter; the president had declined communicating it, and, therefore, he thought it not proper in the house to persist in the call.

Mr. Sergeant said, he rose to correct the error into which the gentlemen from Tennessee (Mr. Cocke) had fallen, in supposing the president had "declined" communicating Mr. Russell's letter.—It appeared, on recurring to the message, (a part of which Mr. S. read), that he merely declined sending the letter, without also sending such answer or explanation as the majority of the commissioners who negotiated the treaty, or any of them, should request. On the other hand, the president signifies his willingness to communicate both together; and, Mr. S. said, he could see no objection whatever to the resolution, which seemed, under existing circumstances, to ask no more than was due to the survivors of the commissioners, whose conduct was implicated, and who had a right to be heard.

Mr. Cocke, after hearing the message read, the terms of which, he said, he had not before so particularly attended to, withdrew his opposition.

Mr. Hardin said he was glad the letter was called for, and he should vote for the resolution, as it would show the western people in what manner their interests were disregarded or sacrificed—that the commissioners offered to give up the navigation of the Mississippi to secure the fisheries of the east.

The resolution was then adopted with only one or two voices in the negative.

Stupendous Cavern.

Watertown, (New-York), May 16. There was discovered about three weeks since, on the north bank of the Black river, upon the land of James Le Ray, esq. opposite the village of Watertown, an extraordinary cavern, or grotto; the mouth of which is about ten rods from the river, north of the falls and of Cowan's Island.

The great extent of the cavern, and the great number of spacious rooms, halls and chambers, into which it is divided, and the immense quantities of calcareous concretions which it contains, and different states of those concretions, from the consistence of lime mortar, to that of the most beautiful stalactites as hard as marble, render it difficult, if not impossible to describe it, and I shall only attempt to give a faint description of three or four rooms.

The mouth of the cavern is in a small hollow, about five feet below the surrounding surface of the earth; you then descend sixteen and a half feet into a room, about 16 by 20 feet, and 8 feet high; and behold in front of you a large flat, or table rock, 12 or 14 feet square, 2 feet thick, and elevated about 4 feet from the bottom of the cavern: the roof over head covered with stalactites, some of which reach to the table rock. On your left hand is an arched way of 150 feet; and on your right hand is another arched way, six feet broad at the bottom, and six feet high, which leads into a large room. Passing by this arch about 20 feet, you arrive at another, which leads into a hall, 10 feet wide and 100 feet long, from five to eight feet high, supported with pillars and arches, and the sides bordered with curtains, plaited in variegated forms, as white as snow. Near the middle of this hall, is an arched way, through which you pass into a large room; which, like the hall, is bordered with curtains, and hung over with stalactites; returning into the hall, you pass, through another arch, into a number of rooms on the left hand, curtained, and with stalactites hanging from the roof. You then descend about ten feet into a chamber, about twenty feet square, and two feet high, curtained in the like manner, and hung over with stalactites. In one corner of this chamber, a small mound is formed, about twelve feet in diameter, rising three feet from the floor, the top of which is hollow and full of water, from the drippings of stalactites above; some of which reach near the basin.

Descending from this chamber, and passing through another arch into a hall, by the side of which you see another basin of water, rising about four inches from the floor, formed in the same way, but in the shape, size and thickness of a large tea tray, full of the most pure and transparent water.

The number and spaciousness of the rooms, curtained and plaited with large plaits, extending along the walls from two to three feet from the roof, of the most perfect whiteness, resembling the most beautiful tapestry, with which the rooms are embroidered, and the large drops of water, which are constantly suspended on the points of innumerable stalactites, which hang from the roof above, and the columns of spar resting on pedestals, which, in some places, appear to be formed to support the arches above--the reflection of the lights, and the great extent and variety of the scenery of this amazing cavern, form altogether, one of the most pleasing and interesting scenes that was ever beheld by the eye of mortal man.

Its discovery immediately drew to it great numbers of people from the village and surrounding country; who were making great depredations upon it, by breaking off and carrying away whatever they esteemed most curious; when Samuel B. Kennedy, esq. Mr. Le Ray's agent, was applied to prevent further spoliation: who immediately directed the passage in the cavern to be enlarged, stairways made, with a strong door placed under a lock and key; which has been finished and the door closed.

It may be proper to mention here that the cavern has been but partially explored, and that no one who has been into it, although some suppose they have travelled more than one hundred rods, pretend to have found the extent of it, or to know the number of rooms, halls and chambers which it contains.

Georgia Banks.

Aggregate bank statement before the legislature of Georgia, 15th October, 1821.

DR.	PLANTERS BANK.	STATE BANK.	DARIEN BANK.	TOTAL.
	DOLLARS.	DOLLARS.	DOLLARS.	DOLLARS.
To capital paid in	821,510 00	1,500,000 00	650,860 00	2,972,370 00
Notes in circulation	560,369 09	693,456 00	1,616,198 50	2,879,033 50
Individuals	286,056 88	226,135 48	59,661 01	571,855 37
Treasurer of Georgia		81,423 15	54,757 99	116,186 14
Various banks	113,260 39	272,730 91	2,536 79	388,528 09
Treasurer U. States			45,367 96	45,367 96
Dividends unpaid		34,245 20	3,272 62	37,517 82
Reserved fund	65,165 97	80,335 20	37,865 47	181,366 64
Discount and interest since divided	32,037 87		22,896 16	54,934 03
	1,885,400 11	2,888,340 94	2,473,416 50	7,247,157 55
CR.				
By notes and bills discounted	1,102,870 22	2,184,792 75	1,936,309 88	5,223,972 85
Loan (dry culture)	21,700 00	16,100 00		37,800 00
Real estate	30,170 81	204,217 17	10,000 00	244,387 98
Notes and balances of other banks	190,615 27	159,754 91	130,778 60	481,148 78
Expenses unpaid	5,329 85		2,758 00	8,087 85
Specie in vault	359,913 29	269,486 35	307,514 11	936,913 75
Do. in course of shipment	174,800 67	53,989 76	86,055 91	314,846 34
	1,885,400 11	2,888,340 94	2,473,416 50	7,247,157 55

CHRONICLE.

The Franklin 74, appears to excite the astonishment of the people of Valparaiso. She was crowded with visitors from morning to night, who seemed as if they could not cease to find out something new to admire. Her officers and those of the British sloop of war *Blossom*, lying in the same port, frequently visited one another and appeared to be on the best possible terms.

The Bastille—the keys of this once terrible prison are in the United States, the property of Judge Washington, heir to the general.

New Hampshire. Sam'l Bell, esq. has been elected a senator of the United States from this state, for six years, from the 4th of March next.

Kentucky, having abolished imprisonment for debt, has, (as we presume), to relieve the effect of judgments obtained in the courts of the United States, extended the privilege of the prison bounds to the limits of the whole state.

Died, on the 5th instant, near Sumpterville, S. C. Mrs. *Martha Clark*, in the 105th year of her age. For many years she suffered greatly from a distortion of the spine; she was literally bent double, for in walking, her forehead was within a few inches of her toes: but, what is truly remarkable, a few days before her death she became perfectly straight, and was enabled, for the first time these many years, to lay on her back. She has left a numerous offspring, some of whom are her great-great-grand children.

Hail. The Mifflin Eagle gives an account of the most formidable hail storm, that passed over Tuscarora valley, Pennsylvania, that we recollect to have read of—it levelled trees and fences, and destroyed the crops, with many young hogs, sheep and cattle. The hail was of the size of a hickory nut, and in some places lay a foot deep. Its course was about a mile and an half wide.

A strange fish was caught near Middletown, New Jersey, on the 4th of June instant—which was skinned and stuffed, and is now exhibiting at New York. It does not appear that any person there has ever seen or heard of the like of it before. Its circumference was 18 feet, length 32 feet 10 inches. The tail perpendicular and forked, the upper part 5 feet and the lower 3 feet long. It has six rows of teeth in each jaw, about one fourth of an inch long—five gills on each side, that lap over one another—the mouth is hideous, the throat large enough for a man to pass through. It had no bones, no heart, no brains, no tongue—but the liver was enormously large and yielded four barrels of oil. When taken, there were about two bushels of lamprey eels hanging to its skin. The "Commercial Advertiser" gives us the following additional account—

"The animal recently caught in the waters of Jersey, and now exhibiting in Broadway, is really a curiosity. It is no shark, nor horse mackerel, and whether fish or flesh, it is really a sea-monster of no ordinary kind. It has two huge muscular fins, or rather wings, a little back of the gills, and two legs or paws, fifteen feet back of the fins, about the size of a man's leg, and the fore half somewhat resembling the fore half of a human foot, with a nail about an inch long, on the heel. On the back is a large bunch, with a fin on the top of it. The tail is peculiarly constructed, and, when the animal was in motion, was elevated about six or seven

feet. The mouth and throat are enormously large. The animal had no heart, and the liver was almost back to the tail. There was not a bone in the body. The hardest substance, (of which we have a specimen), being a kind of elastic gristle. The skin is of a dark brown color, and entirely without scales. The animal must have been of immense power, and, in the water, might well have been taken for a sea dragon, worthy of being rode by Neptune himself. After all, we know but little of the wonders of the mighty deep."

Sturgeons. One hundred and eighty-two sturgeons were lately taken at one tide at Quebec: the smallest of these inhabitants of the waters were of 50lbs. and one of them weighed 213 pounds, French weight.

Sharks. The ship *Brailsford*, on her passage from Bombay to England, in lat. 29, 26, S. lon. 40, 2, E. caught a large blue female shark, 12 feet long; on opening which, there were found no less than 77 young ones alive, each about a foot long, and weighing from one half to three quarters of a lb.

Muskratting. In the neighborhood of Salem, N. J. one person has caught one hundred muskrats in one night—and another caught two hundred and ten in two nights. It is thought that they may have caught 2000 a-piece during the winter, which, at the present price, will fetch 1,500 dollars.

A great hunt. A week's hunt in Berkshire county, Mass. last month, resulted as follows:—Grey squirrels, 115; red do. 623; striped do. 3191; pigeons 710; partridges 6; ground hogs 137; rabbits 2; owls 4; crows 174; hawks 49; foxes 5. Total killed, 5,017.

Buttons. Mr. *Creswick*, an ingenious cutler of New York, has made a contract with the agents of the government, to supply the United States' navy with brass buttons, of a peculiar stamp: and, in presence of several gentlemen, he struck off two dozen in the space of one minute and two seconds. This he effected by a newly invented stamping machine, the only one in America.

Stockbridge, (Mass.) May 16. An apple tree, in capt. Lincoln's garden in this town, which was girdled about the first of May, 1820, to the depth of half an inch within the bark, bore in 1821, and is now in full bloom. The tree was girdled on account of its sterility, but bore that season so as to break down several limbs by the weight of its fruit.

NEW YORK AND BOSTON. In consequence of a change in the route of the steam boats and stages, by the late law of Connecticut, the boats from New York pass on to Providence; persons may leave N. York one day and arrive in Boston the next!

DISTRICT BANKS.

	Specie on hand.	notes in circulation.
Patriotic bank	5,245 44	60,098 50
Bank of Washington	10,718 38	58,938 50
the Metropolis	14,578 61	38,893 00
of Columbia	17,861 50	44,015 89
Farmers & Mechanics	73,517 54	236,267 00
Union bank	16,173 17	98,044 00
Central bank	*none	4,470 00
Bank of Potomac	41,697 00	128,376 00
Alexandria	46,421 95	138,392 57
Farmers bank	31,399 80	145,200 00
Mechanics'	*4,573 53	6,919 25

*The banks marked thus are winding up their business.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

TREATY WITH FRANCE. The anxiously expected arrangement with France has at last been made, and the convention [as corrected] is inserted in the following pages. The baron G. Hyde de Neuville, the French minister, took his leave of the president on Tuesday last, to return home. The count Julius de Menon remains as *charge des affaires*.

FOREIGN MISSIONS. We have on our files and intend to publish, a copy of a paper laid before congress at its last session, shewing the names of our ministers and agents to foreign countries, and the amounts respectively paid to them, for different services and missions, from the 1st of Jan. 1801, to 31st Dec. 1821. The whole amount of money expended thereon is given at \$1,329,877—an average of 66,323 dollars a year. We cannot ascertain the present annual cost of our foreign missions; but presume that, just now, it is considerably more than the average stated. The sum given includes contingencies.

Now, this expenditure appears to be a very moderate one—less, perhaps, in the whole, than other governments may disburse on account of a single minister, at some of the most distinguished and important European courts; yet it has always appeared to us that our concerns might be quite as well managed, in general, by the second grade of ministers called "*charge des affaires*," as by those of the first grade, known as "envoys extraordinary and ministers plenipotentiary." The former are sufficient for all commercial purposes, (and we do not wish to have any others to attend to), with foreign powers. Dignity may be better maintained by retiring from the politics and policy of the old world, than by mixing in them—in which we have not, and, I trust, never shall have much, if any, direct diplomatic influence; for that must be followed by entanglements hostile to the best interests of the republic.

The "National Advocate," of the 14th inst. so well expresses our opinions, that we shall substitute the language of Mr. Noah for what further we might have said on this subject:

"We have frequently believed that this country would be more usefully represented abroad by *charge des affaires*, than by ministers or ambassadors, and we shall briefly state our reasons for this opinion.

"A *charge des affaires* has the same facilities of transacting business with the cabinet ministers, and corresponding on all important points, as a minister and ambassador. He is not the appendage to a court, nor is he required to attend the levees, give diplomatic dinners, or launch into all those extravagances which are authorized by the representative of a king, but which are incompatible with the simplicity of a republican government, and do not correspond with the limited salary which we allow.—A *charge des affaires* is calculated to be of more service, because he is unrestricted by the formalities of a court, he can go where he pleases, associate in any manner agreeable to himself and useful to the country, he can fathom any plot, unravel any mystery, probe into things, and discover the minutæ of affairs on any point interesting to his government. A minister, it is true, has a full and confi-

dential intercourse with his colleagues, but what information did one minister ever obtain from another at a dinner or levee, that was worth the pinch of snuff taken from his diplomatic box covered with diamonds? We want men of *business* abroad, untrammelled by the fictitious trappings and barriers of a *bank*.

"It may be said that if we send *charge des affaires* to England, France, and Russia, they will only send us *charge des affaires* in return. So much the better; they will send us able men under any title, and we can reciprocate. We shall not have at Washington the grand display of monarchical splendor and equipages; no dinners and rich wines to sate the appetite, and corrupt the principles of our country members of congress, and make them sigh after vanities which are fatal to the purity of our republic. Every thing will be simple abroad and at home. The salary we allow a minister is not sufficient for a display of all his prerogatives: but the salary of a *charge des affaires* is amply sufficient for all his wants."

So far the "Advocate." But if it is necessary to send and keep ministers any where, they ought to be sent to the independent governments of the South. Yet we are pleased that Mr. Torres, who might have assumed the character of a minister plenipotentiary, or that of a *charge des affaires* of the republic of Colombia, has preferred the latter, and been so received by the president of the United States. To be sure, his ideal dignity is lessened by it, but his real usefulness is not impaired by the choice he has made, which also saves to his country several thousand dollars a year. Mr. Torres is too good and too wise a man to be told that economy is a republican virtue—for he knows it. As this gentleman has preferred the second ministerial grade, and as it is probable that our government will at least send an "agent" to Colombia, we should hope that the character might be changed to that of a *charge des affaires*, by which the diplomatic correspondence of the two governments would, at once, be put on an equality and be perfected. If hereafter, and to accomplish some special purpose, a minister is thought necessary, we can send one; but until Colombia, just emerging from her revolution, and, no doubt, embarrassed in her means, shall, at least, manifest a desire to establish a more expensive diplomacy with us, it would hardly seem quite friendly on our part to impose it upon her. We are clearly of opinion that the intercourse between republics should be maintained in the least costly manner; with frankness and without pomp, parade or ceremony. These latter take off much from *business*; and between men and nations, who mean to act honestly by one another, should be dispensed with.

Zealous to complete the will of the people and the act of our government, in regard to the southern republics, we hope that the president, who so frankly recommended their acknowledgement, may be induced to reciprocate the wishes of Colombia by sending out a *charge des affaires*.

THE SENATE OF THE UNITED STATES. A New York paper notices it, as gratifying to the national pride, to witness the increasing respect and value that is

attached to the senate. The present list contains the names of seven gentlemen who have been governors of states; to wit, Mr. Knight, of Rhode Island; Mr. Dickerson, of New Jersey; Mr. Findlay of Penn. Mr. Lloyd, of Maryland; Mr. Barbour of Virginia; Mr. Brown, of Ohio; Mr. Holmes, of Mississippi; and Mr. Bell, of New Hampshire, has been elected to serve after the 4th of March next.

It seems to us impossible that any man can look at the senate, when engaged in business, without feeling a profound respect for that body. It may be, that there are much greater men in the United States than any to be found in this assembly, but a large amount of various and useful talent is surely collected in it, and an easy dignity of manner, courteous deportment and zeal to do business prevails, that commands attention and esteem. The doors of the senate are always open to strangers, unless when the body is engaged in what is called secret or executive business—and little, if any, inconvenience has resulted from it. No one, if most slightly impressed with a desire to be thought a decent man, cannot act indecorously in the presence of the senate, because of the decorum that prevails in the body itself; and the most giddy and thoughtless are awed by the grave and venerable appearance of it—most of the members having passed the meridian of life. It cannot be supposed that they are exempted from the feelings and passions that prevail in the hearts of other men, but these feelings and passions are reined and held in by discretion and self respect. The senate may be said to be a proud and punctilious body—but so without austerity or foolishness; having for their object only the preservation of order and a support of the respect due to themselves, as they shew respect unto others.

FIRE. Last Sunday afternoon there happened the greatest fire ever known in this city. It commenced in a board-yard in the rear of McElderry's wharf, and soon communicated to two adjacent yards. The three yards, occupying a small space of ground, are computed to have had not less than *two millions* feet of lumber in them, much of which was pitch-pine boards and scantling. All this stock of combustible material was soon in a blaze, and with it from 25 to 30 buildings, most of them large and valuable ware-houses on the wharf, filled with goods—seventeen were destroyed in one range. The contents of some of these were also nearly consumed, and many thousand dollars worth of goods were thrown into the dock, as if for the desperate purpose of lessening the amount of combustible matter, for otherwise, they must inevitably have fallen a prey to the flames. The vast body of fire defeated the most powerful efforts to check it for about four hours; when, the materials being partly consumed, the fire companies began to operate with effect, and to prevent a further extension of the calamity; though the flood of water poured on the flame must have had some effect to lessen the violence of its progress. It is hard to imagine the quantity of heat thrown out—but the curb stones of a narrow street, that separated the board-yards from the ware-houses, were dissolved by it, and blocks of marble and free stone, in a stone cutter's yard (round two sides of which the boards were piled), to the value of 3000 dollars, were destroyed—converted into lime or cracked to pieces.

Several of our worthy and meritorious citizens, whose situations were easy, have nearly lost their all. The value of the whole property destroyed is

variously estimated; but we think that it must have amounted to about one hundred and fifty thousand dollars.

IRELAND. During the last week, the Hibernian Society of Baltimore had a meeting, and appointed a committee of two in each ward, to solicit donations for the relief of the suffering people of Ireland—but, in consequence of the destructive fire in this city, on Sunday evening, a special meeting of the said society was called, and a resolution entered into, that applications for such relief should be at least postponed, so as not to interfere with those that may be made to assist our own unfortunate fellow citizens.

ST. MARY'S CHURCH PHILADELPHIA. Having mentioned the unfortunate disturbances that occurred when the election of trustees of this church took place some time ago, it is proper to state that a peaceable mode having been adopted to ascertain the wishes of the congregation, it appears that 497 pew-holders were favorable to the choice of trustees who desire the rev. Mr. Hogan to continue as pastor, and 437 pew-holders in favor of the other set of trustees. So Mr. Hogan retains the pulpit.

ERROR. The editor of the "Democratic Press," rightfully and powerfully reprehending the *noise* that has been made in the newspapers, because two certain persons had resolved to shoot, and did shoot at, one another, by which a severe wound was inflicted, says, "there is not a paper in the union which has been published since the news [of the result] reached them, that has not blazoned forth all the particulars," &c. We beg leave to make an exception to this sweeping censure in favor of this paper. The dispute between the parties, or any thing relative to their meeting, has never been mentioned in the "Register," or even remotely alluded to, until now.

LA FAYETTE. The council of administrators of the college of New Orleans, has appointed Mr. Lakanal president of that institution. Many testimonies of the high approbation in which this gentleman was held in France are published, and among them a warm letter from our friend La Fayette, in which he says—

"My regret for the losses of France, are mitigated by the idea that they will benefit the United States.

"The friends of freedom need not however despond. They may carry with them the consoling hope, that its cause is not lost in Europe; and in France less than any where else. All that is great and useful in the revolution, will, I trust, be preserved."

THE NORTH-WEST. The Detroit Gazette of the 7th instant, states that, on the preceding Friday, about 150 British troops passed that place, to be stationed on Drummond's Island. It is suggested that this measure has been adopted to counterbalance the effect of our establishment at the Saut de St. Marie. We are also about to establish a new post at Sagana bay.

The force of emigration to Michigan, and apparently of substantial farmers and intelligent persons, is very great, and the prospect is that this territory will soon claim an admission into the union.

Arkansas, also, is rapidly populating, and will, probably, come in with Michigan.

SPACE. They voyage from Louisville, Ken. to St. Louis, Missouri, about 700 miles, has been made in a steam boat, in four days and four hours.

CANALS. One hundred weight of merchandize is now transported from Montezuma to Utica, by the Erie canal, for the sum of *five cents*, exclusive of the cost of the tolls, and this is evidently a pretty profitable business to those owning and managing the boats—as the employment of two men, one boy and a horse, earn on an average more than seven dollars per day. The rates of toll are various—salt and gypsum pay five mills, per ton, per mile, flour, grain, salted provisions and ashes, one cent. five mills; merchandize, generally, three cents; wood, one cent per cord, boards, &c. per M. feet, the same. Taking then, the rate of the toll on flour as an average of the whole, the transportation of a *ton weight, ninety six miles*, costs only two dollars and forty-four cents. This is according to the new rates of toll, which are complained of as being too high. Two hundred and five tons of merchandize lately passed *west* on the canal, in one week. Much improvement has been made in the construction of the boats—those of forty tons but then are preferred; they carry about 400 barrels of flour, and are drawn by two horses at the rate of three miles per hour. Live fish, from Oneida lake, &c. are to be found all along the line of this section of the canal.

The success that has so far attended the enterprise of New York, has raised up a most laudable spirit in other states. We shall notice what is doing, or proposed to be done, in some of them.

Pennsylvania, having improved the bed of the river Schuylkill, and rendered it navigable so that boats descend it 100 miles, and steam boats ply upon it the greater part of that distance, is engaged in cutting what is called the Union canal—a great work, which, if successfully accomplished, will be of immense importance to the state; the people of Philadelphia are also exerting themselves to resume the labor of opening a canal to unite the waters of the Chesapeake and Delaware. Surveys have been made in Ohio for the important work of uniting the great lakes with the waters of the Ohio river—as this project appears to be entirely practicable and at a moderate expense, compared with the objects to be attained by it, it cannot be doubted that, when the great Erie canal is finished, as it soon will be, that the capitalists of New York will assist the people of Ohio in effecting it. The Dismal Swamp canal is coming into much use, and affords great facilities in the transportation of heavy commodities—it has lately been improved. Two canals are contemplated in Connecticut, to be called the Farmington and Housatonic canals—they appear as if they would be extensive and very valuable works; the latter will be 66 miles long—the ascent is 604 feet, the supply of water abundant, and the whole cost estimated at 699,400 dollars. It is proposed to cut a canal from Worcester, in Massachusetts, to Providence, R. I. on which there will be a mighty transportation: it is estimated that 100 tons of cheese and 75 tons of pork will annually find an outlet by it. A great design is conceived in Massachusetts to effect a water communication, by Weymouth and Taunton rivers, from Boston harbor to Long Island Sound, and a luminous report has been made as to its practicability. An extensive canal is projected in Maine, and much of the stock actually taken, which will greatly benefit the northern parts of New Hampshire, if accomplished. Much zeal is mani-

festing to unite the waters of lake Michigan to those of the Mississippi, by the Illinois,—a matter easily done, and which the nature of things and progress of improvement will soon bring about. We see an advertisement in the S. C. "Telescope," informing the public that "a steam boat, with a proportionable number of tow-boats, suited to the navigation of the Columbia canal," will soon be put in operation. The Lehigh river, in Pennsylvania, has been much improved, and large quantities of coal, &c. are descending it to Philadelphia. The arks at present used, carry about seven tons of merchandize, but such as will carry 21 tons, it is thought, will soon be preferred, and the arks sell for as much at Philadelphia as they cost on the Lehigh. The Juniata, which empties into the Susquehannah, begins to be navigated by arks—the removal of a few obstructions will render their descent, at certain seasons of the year, comparatively safe. A canal is also projected from the town of Sharon in Connecticut, along the Croton river to the Hudson, and it seems likely that another source of wealth to New York will be opened.

The following intelligence respecting the present state of the Erie canal, is highly interesting—and enough so, we should think, to rouse the people of other states further to emulate the example set to the union by the great state of N. York; whose former progress of population and improvement is but a type of that which is to come:

"We are informed (says the *New York Daily Advertiser*) by a gentleman who has just returned from a visit to Buffalo and Niagara falls, that he travelled 160 miles in the new convenient passage boats on the Erie canal: viz. from Little Falls to Utica 22 miles

Utica to Montezuma, by Rome, Syracuse, and Weed's Basin, 96

Crossing from Montezuma over the Seneca river, and the Cayuga marshes, 6 miles and up the river Clyde 6½ miles to Blockhouse—he again takes the canal and passing the flourishing villages of Lyons and Palmyra to Hartwell's Basin, 42
160

On this route are already seen passage boats with good accommodations, and hundreds of other boats transporting immense quantities of produce to Utica; and such is the stock in this state, that there are now 100,000 barrels of flour alone on the banks of the canal, that cannot be transported for want of boats—many of which are now building that cost from \$100 to \$400 each, and carry from 150 to 400 barrels.—These boats have taken freight from Montezuma to Utica, a distance of nearly 100 miles, at the extremely low rate of 5 cents per cwt. or one dollar per ton, *which is about one tenth the former rate of transporting the same distance by wagons*; in this case, the owners of the goods paid the tolls, which however are very trifling.

The passage boats are drawn by three horses tandem rigged; the other boats by one or two horses, according to the size of the boat—a boy rides the rear horse, and travels from three to four miles per hour. Passengers leaving Utica at 8 o'clock, reach Weed's Basin, 87 miles, the next morning at seven o'clock, travelling all night. The charge is only 4 cents per mile, which includes board and lodging, both of which are as good, if not better, than the taverns on the road. This is as rapid as the stages travel, much less expensive, no risk of life or limb, and no fatigue or dust attending.

The grand canal is nearly finished from Schenectady to Little Falls, 65 miles—from Montezuma to Clyde, or Block house, 13 miles, and from Hartwell's Basin to Genesee river, and from thence to Lockport, 70 miles—all of which it is said, will be filled, and boats allowed to pass, on or before the first day of October next; making 260 or 270 miles, through one of the richest and most valuable parts of the state of New York. Numerous emigrants from the hardy and industrious northern and eastern hive, are to be seen transporting themselves and their families, at little or no expense, to settle on the lands bordering on the canal.

Merchants residing in Pittsburg, Cincinnati, Lexington and Louisville, and in Michigan and Indiana, will soon get their goods transported for $\frac{1}{4}$ the price they now pay, and save as much or more in the breakage and damage now unavoidable in wagons, besides the saving of half or two-thirds in time; which, in fact, is extending the credit on their goods.

Emigrants and their families must prefer the canal to any other route on every account—expense, time, health and comfort, &c.

The amount of toll already received at the office in Utica this spring, exceeds the sum paid the whole of last year, and it is supposed it will amount to 50 or 60,000 dollars.

COLLEGES, &c. "Cambridge University has now an annual income, including the amount paid by the students for tuition, of 45,000 dollars. It has an amount of property, including buildings and library, of more than half a million of dollars; and derives from its real and personal estate an annual income of more than 20,000 dollars; yet, for eight or ten years past, has received 10,000 dollars a year from the state of Massachusetts. In the state of New York, funds to the amount of 775,000 dollars have been granted to their colleges; and 100,000 to their academies. In Virginia, 200,000 dollars have been expended upon the buildings alone of the university lately established. South Carolina has within a few years, expended 200,000 dollars upon buildings and other accommodations for their university, and pays annually from the state treasury, 12,000 dollars for the support of their instructors." These facts are stated in a memorial from Yale College to the legislature of Connecticut, as motives to induce a grant of additional legislative patronage to that respectable institution.

COL. JOHN MCKINSTRY, lately died at Livingston, New-York, aged 80. He was a most gallant soldier of the revolution, served during the whole of the war, received several wounds, and carried with him to the tomb some of the enemy's balls. His private life and deportment was as amiable as his public one had been beneficial.

Of him, the *Hudson Whig* says—"One incident, in the life of this veteran, is too remarkable to be passed slightly over. At the battle of the Cedars, (thirty miles above Montreal, on the St. Lawrence) col. J. McKinstry, then a captain in col. Paterson's regiment of continental troops, was twice wounded and taken prisoner by the Indians. The intrepidity of captain McKinstry, as a partizan officer, had rendered him alike the object of their fears and of their unforgiving resentment. The British officers were too much in dread of their savage allies, on account of their vast superiority of numbers, to risk an interposition of their authority to prevent the horrid sacrifice they saw preparing:

Already had the victim been bound to the tree, and surrounded by the faggots intended for his immolation;—hope had fled;—and in the agony of despair he had uttered that mystic appeal which the brotherhood of masons never disregard;—when, as if heaven had interposed for his preservation, the warrior Brandt understood him and saved him.

Brandt had been educated in Europe; and had there been initiated into the mysteries of freemasonry. The advantages of education, and his native strength of mind, gave him an ascendancy over the uncultured sons of the forest, that few other chiefs possessed. Situated as he was, the impending danger of a brother must have forcibly brought to mind his obligation to support him in the time of peril. His utmost endeavors were, accordingly, used, and they were happily successful, in obtaining for him an immediate respite and an eventful ransom.

ROTATION IN OFFICE. W. G. D. Worthington, late acting governor of Florida, in an address to the citizens of St. Augustine on the 23rd ult. concludes with the following paragraph.

"Many of my friends here, think I have been dealt rather hardly with by being dislocated from the office lately filled. This is an event according to the very spirit and genius of our government—ours is not a government of offices. I have filled the place assigned me. The situation assumes a new character. My part is ended.—When I took it, there was no guarantee on its conclusion to give me another. I only therefore undergo the common fate of politicians in our country—I can see no reflection cast on me—I therefore retire, "a statesman without power, yet free from gall"—and a "votary alone of freedom and the laws" On the whole, I view the history of my past year, like a great tragedy.—It had its pleasant scenes, and its disagreeable ones—its acts of gaiety and of sadness, and winds up well, for "all is well that ends well." And whether I remain in Florida, or return to my native state, Maryland, I shall always cherish the recollection of the kindness and the support I have received here, and let the ills be forever forgotten."

A NEW WAY TO PAY OLD DEBTS. The following solution of the ingenious financial expedients adopted by the English ministry, is given in the Times:—

"With respect now to the general state of our finances, and the increase or diminution of the national debt. The five millions, it appears, set apart under the title of a sinking fund, is to be religiously preserved. For argument sake, therefore, we will suppose the public debt diminished this year by that sum; but it is acknowledged on all sides that we have really no other sinking fund than that sum, be it more or less, by which our income exceeds our expenditure. On the one side, therefore, £5,000,000 is to be considered as deducted from our national debt; but on the other there is added to it—

Money to the holders of 5 per cent.	£2,600,000
Borrowed for national works	1,000,000
Ditto for agricultural distress in England	1,000,000
Ditto for distresses in Ireland, sum uncertain, but estimated by lord Londonderry at another million	1,000,000
	£5,600,000

"The diminution therefore, of the national debt, by the proposed sinking fund, is five millions, and the addition to that debt is, even in this stage of our calculation, five millions six hundred thousand pounds; making a balance in favor of that good old absorber of public wealth—the national debt—of the odd six hundred thousand pounds. We'll bet him against fifty thousand such financiers as lord Londonderry and Mr. Vansittart; he'll swallow them all up by and by."

STEAM ENGINES OF BRITAIN. M. Dupin, whilst speaking of the immense mechanical force set in action by the steam engines of Britain, gives the following illustration of its amount: The great pyramid of Egypt required for its erection the labor of above 100,000 men for twenty years; but, if we were required again to raise the stones from the quarries, and place them at their present height, the action of the steam engines of Britain, which are managed at most by 36,000 men, would be sufficient to produce the effect in eighteen hours.—And Mr. Dupin says, that if it were required to know how long a time they would take to cut the stone, and move them from the quarries to the pyramid, a very few days would be found sufficient.

FOREIGN NEWS.

Great Britain. A jury of thirteen goldsmiths, under a charge from the lord chancellor, have recently sat at the mint, London, to examine into the quality of the *gold and silver coin*, made between May, 1818, and Dec. 1821. The amount coined was 10,473,249*l.* 1*s.* 8*d.* in gold, and 2,719,926*l.* in silver. This inquiry is of very ancient date. The chancellor, in his charge, speaking of the cessation of cash payments, said that "government only interrupted, or *sacrificed* the blessings of their happy constitution for a time, in order to preserve it forever." He heartily congratulated the jury on the delightful sensations they must feel when "witnessing the superscription of a gracious monarch upon the coins submitted to them, and not that of a tyrant, reigning over subjects little better than slaves." The jury examined the coin, gave a certificate that it was as good as it should be, and afterwards partook of a splendid dinner, prepared for the occasion. Scarcely any thing is done in England without a dinner!—*Daily Press.*

Extracts from London papers to the 11th May are received—the chief thing that occupies public attention, is the condition of the people of Ireland, for the relief of whom large sums of money were subscribing.

France. The spouters in the chamber of deputies appear to be much more numerous and obtrusive than even those in our congress! A Paris article, dated April 20, says—"An observer who has been present at every sitting of the chambers upon the discussion of the budget, has taken the following notes. It shows free scope is given to the observations of the *libereaux* upon government matters.

"The number of orators who spoke on the subject amounts to 643—the number of orators on the left to 214, on the right to 132. The ministers, commissioners of the king and the reporters, spoke 187 times. M. de Ville spoke forty times."

The right side is the royal, or *ultra royal* one—the left is occupied by the *liberales*.

The following notice of a debate on the *slave trade* is interesting:

The minister of the navy's speech in answer, to general Foy, has this passage—

"As for the slave trade, I have but one remark to make. We concur fully in the opinion expressed on this floor, by the honorable general, about the horrible traffic. But government has only one thing to fulfil, and that is to watch faithfully over the execution of treaties—upon this point it fears no impeachment from any part whatever. Not only vessels have been sent to the coast of Africa, in performance of the treaty, but the most positive orders have been given to the governors of the colonies. I possess a list of French vessels that have been seized; 22 were condemned, 14 cleared, and 13 are upon trial. Government is not to be blamed if cupidity strives against the rigor of proceedings. Some think the present laws too mild; more severity is required. Gentlemen, crimes are not rendered less common by the severity of laws: murder is punished with death; many crimes of that nature occur incessantly. A strict watch must be kept; and I repeat it, government is above any kind of reproach on that subject."

M. Laine, one of the most conspicuous speakers of the right side of the chamber, animadverted upon this truly important subject in a forcible speech, in answer to Messieurs Manuel and Constant. He thinks it impossible to stifle at once this barbarous traffic—too many interests are at stake. He proves this by the course followed by England herself: the great question of the abolition of the slave trade was stated by Mr. Wilberforce in 1789, and it was only in 1807 that parliament took an active part in this matter. France gave the example, for she abolished slavery in 1791.

M. Laine concludes his speech thus: "It is a known fact, even by reports made to the English parliament, that, since two years, government watches carefully over the execution of the laws. Notwithstanding the assertion made by the governor of Sierra Leone, we have cruisers that pursue the smugglers with indefatigable zeal; as it is necessary to run 600 miles along the coast of Africa, and as it is impossible to renew the stock of water along that coast, our crews submit to the most painful privations. They receive a small allowance of water daily. Such hardships have generated epidemic diseases among them, and we have to lament the untimely fate of several very distinguished officers who have fallen victims to their philanthropy."

Many villages and farm houses were destroyed by incendiaries in the department of Somme. They appear to be prodigal in mischief, without any purpose but for mischief. These things have excited the attention of government, and the commander of the military division is authorized to use strong measures to prevent such acts.

Spain. The cortes has adopted the proposition to make commercial regulations with the *American colonies*, "which had obtained their independence."

Turkey. The Greeks, after several hard fought battles, have made themselves masters of the important island Negropont. The pacha that lately captured Janina, appears to be in a very unpleasant condition from the risings of the people around him. They had intercepted a large sum of money that was for the payment of his troops. The affairs of the Greeks are evidently prosperous; if they can sustain themselves a while longer, so as to get supplies of arms and the munitions of war, there is very little doubt that they will, of themselves, be able to beat the Turks and establish their own independence.

The St. Petersburg Gazette announces that considerable sums continue to be sent for the relief of the Greek refugees in Russia. In addition to half a million of roubles, subscribed for the relief of his countrymen by counsellor Warwau, prince Galitzen has received 900,000 roubles. As this money arrives, it is remitted to count Langeron, governor general of Cherson, and to the commander of Bes-sarabia, for distribution.

The question of war or peace? between Russia and Turkey, remains as it was—unsettled. But it is certain that both parties are preparing for war. The Russian armies have been powerfully increased, and an army of reserve 80,000 strong, was to be immediately formed.

Colombia. The principal fort, on the main land, at Porto Cabello, has capitulated to the patriots, under gen. Paez. The officers and men were sent off to Porto Rico, and their arms were to be restored to them on their arrival there. The garrison of Porto Cabello must now receive all its supplies by sea.

Every thing bears a cheerful aspect in Colombia—the government appears to be firmly established, and supplies, to any amount, is tendered from England. A frigate and corvette, for the use of the republic, was just about to sail from a British port. A son of sir Robert Wilson has entered the military service of Colombia.

Peru. San Martin has resigned the protectorship, and the *marquis Torre Tagle* has been appointed in his stead. He has issued \$200,000 paper money, and made it penal on those that refuse to take it. Dollars were very scarce. English goods plenty—selling at a loss of from 25 to 30 per cent.

The "vice king," La Serna, at the head of the Spanish army, was encamped about 30 leagues from Lima—his force is not stated.

Mexico. From the *Aurora* of June, 20. Our manuscript and printed advices from Mexico are voluminous. We have copies of all the official transactions of the government for several months.

A variety of publications *papelito volante*, among which are found the following:

1. "The triumph of the writers for the freedom of the press."

2d. Letter of a Mexican to the author of a production under the title—What is that which you call the liberty of the press?

3. Observations on a proclamation published in the *Genius of Liberty*, on the republic of Goati-ra'a, &c.

Proclamation.—Manuel Rincon, colonel of the imperial army, governor, political chief, and commandant general of the place and province of Vera Cruz:

The supreme regency of the empire, by an act of extreme urgency, issued, in the capital city of Mexico, on the 21st of the present month of May, the following public act, which they had prepared for the occasion.

The regency of the empire, invested immediately with the functions of executive power, during the vacancy of an emperor, to all those to whom these presents shall come, *health*.

The sovereign constituent congress of Mexico hath decreed as follows:

Decree, in the palace of Mexico, the 19th day of May, 1822, second year of independence.

The sovereign constituent congress of Mexico, assembled in an extraordinary session, called upon by the occurrences of the preceding night, and called upon this day by the generalissimo and high admiral, to consider various documents recorded in

the transactions of the day, abhorrent to the wishes of the people; conforming with the general wishes of congress, and the nation, having taken into consideration that the cortes of Spain, by a decree inserted in the *Gazette of Madrid* of the 13th and 14th of February last, have declared null and void the treaty of Cordova, and that therefore the case provided for ceases to be obligatory on the Mexican nation; by the third article of the said treaty, the authority recurs to the sovereign congress, constituent of this empire, to nominate a person as emperor, and to exclude all others from thenceforth: and, after due consideration, they have declared that the *senor D. Augustin de Yturbe* is the person who is best entitled to that office, upon the basis of the plan proclaimed at Iguala, and accepted by the body of the nation, and to which they have taken the oaths, in due form, in congress, on the day of the 21st current.

The regency, in its wisdom, directs that it be communicated to all the authorities of the empire, that it be printed, published and circulated, and that with this act ceases the functions with which the regency was invested.

Done in Mexico, 21st May, 1822, second year of independence.

[Signed] FRANCISCO GARCIA CANTARINES,
President.
FRANCISCO MARIA LOMBARDO,
Deputy and secretary.
JOSE IGNACIO GUTTERREZ,
Deputy and secretary.

By the regency of the empire.

Therefore it is commanded, that all the tribunals, judges, chiefs, governors, and all other authorities, as well civil and military as ecclesiastical, of whatever class or station, to respect and cause to be respected, to fulfil and execute the present decree in all its parts. Taking special care that it be printed and circulated throughout the nation.

[Signed] JOSE ISIDRO YANES,
MIGUEL VALENTIN,
EL CONDE DE CASA HERAS,
NICOLAS BRAVO,
A. D. JOSE DE HERRERA. } *Regents.*

I therefore order that the happy and memorable events be forthwith made public in the most solemn manner, in this place and throughout this province, so that the generous emotions of patriotism may be unconstrained on an occasion which accomplishes so gloriously the liberty and independence of this heroic American nation, under the happy auspices of the hero of Iguala, *senor D. Augustin de Yturbe*, the actual emperor of Mexico; expecting that this meritorious people will testify their felicity by illuminations, &c.

Given at Vera Cruz, 25th May, 1822.

[Signed] MANUEL RINCON.

By order, JOSE GUIMENES.

There are also two decrees recognizing the Colombian republic.

To these papers is attached a roll of the members of the Mexican congress, and the distribution of them into committees. The following are the committees:—on the constitution; the executive; an address to the nation; interior regulations of the congress; the general administration; legislation; the freedom of the press; exterior relations; the publication of the laws; petitions; the coinage; military affairs; infractions of the constitution; colonization; ecclesiastical affairs; agricultural and internal industry; jurisprudence; the finances; pub-

lic instruction; the mines; commerce; and on the police. The congress has about 190 members.

In a long article, in a subsequent paper, Mr. *Duane*, after some remarks on revolutions generally, says—"It would be the extreme of disinclination to forbear expressing, on such an occasion, the opinion, that the creation of an imperial government in Mexico is an occurrence that calls for the most serious attention of the United States; and we shall be very explicit in what we have to say on this subject, because we know it will come under the eye of the eminent character who is most conspicuous in the event. There may not be that danger from the imperial regime, under the present occupant of that station; nor is it in fact that the form in Mexico corresponds with the forms of the same denomination in Europe. The title of emperor in Mexico is obnoxious from the idea of *absolute despotism*, with which it is associated in European and Asiatic idiom. In Mexico, so far, it is no more in fact than the title of *president*; and, being associated with an elective representative legislation, will be in fact only a mixt monarchy or an extended aristocracy with a chief. It is the issue that is to be apprehended—the present chief, *Augustin Yturbide*, so late as the 8th of May last, made the unsought declaration, which he had so often made before, that he had determined deliberately and irrevocably to follow the great example of the illustrious Washington; and, when order and constitutional government should be restored, to retire to his estate, in the character of an untitled private citizen."

He adds also a sketch of the life of Yturbide, who was born at Valladolid, in Mexico, about the year 1790; so that he is only 32 years old. He was a lieutenant in the army in 1810, and commanded an army which he marched to Acapulco in 1819—20. He has a good person, and is esteemed as a most patient, vigilant and courageous soldier.

Bishop *Mex*, a distinguished Mexican patriot, long since seized and confined in the fortress of St. Juan de Ulloa, has been released. The prevailing government had notified the commander of the castle, that his case should be retaliated by the placing of twelve royal officers in the like condition.

It is thought that col. Cortes, at present in the United States, will be invested with the powers of a minister plenipotentiary. The president's message, advising the recognition of the southern states, had been received at Mexico, and welcomed with rejoicing, illuminations and salvos of artillery.

Gen. Wilkinson was at Mexico, zealously attending to his own private affairs. He has demands on the government.

It appears that the royalists who have possession of St. Juan de Ulloa, pass and repass freely through Vera Cruz, which is occupied by the revolutionists. There seems to be some sort of understanding on the subject. A duty is exacted at the castle, but vessels are suffered to enter and depart from the city. A caravan arrived on the 1st of May, with two millions of dollars, private property, to be shipped off, agreeably to the privileges granted to those wishing to leave the country.

Canada. The Quebec Mercury, of June 11, says—"We learn, from a source that can be relied on, that the two Canadas are to be united in matters of legislation; and that the imperial parliament is to lay a duty on our imports, in order to meet the expense of the civil list.

Later—London dates to the 16th of May.

General summary. Many additional particulars of the wretched state of the south of Ireland are received—the people were perishing by famine and the typhus fever. Very large subscriptions had been made for their relief—1,000 tons of potatoes had been purchased at Lieth, and vast quantities of American flour had been sent off from Liverpool for Cork, Limerick and G. I. way. The prime of Ireland, the archbishop of Armagh, is dead—said to be caused by a mistake of his wife in giving him medicine—[he took two ounces of laudanum] in consequence of which she had become a maniac. Canning's bill for the admission of Catholic peers into the house of lords, has passed its second reading—for it 235, against it 223—majority 12. It is reported that Mr. Canning will not now go to India and that lord Liverpool will resign. A motion in the British house of commons to produce economy in diplomatic affairs, failed—for it 147, against it 274.

The elections in France were going on favorable to the liberales. Some disturbances had broken out in Spain—a party of the insurgents had passed into France, and were immediately disarmed by the cordon on the frontier.

Accounts from Turkey furnish nothing new, except that the Christians were murdered at Smyrna at the rate of from 15 to 40 per day—and the general belief that there would be a war with Russia.

The Rip Rap Contract.

[CONCLUDED.]

ADDITIONAL OR EXPLANATORY DOCUMENTS.

Engineer department, Washington, June 6th, 1822.

Gentlemen—Should you publish in your newspaper the report of the committee appointed to investigate the contract between the United States and Mr. Mix, which, in pursuance of the order of the house of representatives, has already been printed in the pamphlet form for its use, I will thank you to publish, at the same time, the accompanying letter from colonel Gratiot, which will confirm the statements of this department which have been before that committee, "that the contract in question had been faithfully executed."

I am, gentlemen, very respectfully, your obedient servant,
ALEX. MACOMB,
Major general, chief engineer.

Messrs. Gales & Seaton.

Extract of a letter from Lieut. col. C. Gratiot, of the corps of engineers, superintending the works at Old Point Comfort and the Rip Raps, dated

"Fortress Monroe, 29th May, 1822.

"Sir—The plan adopted for distributing the appropriation of 1821, for this fortress and fort Calhoun, gave the E. Mix contract the following sums, viz.

At this fortress originally 13,740 dollars, but owing to a remonstrance of Mr. Mix, this amount was augmented to 17,481 dollars 77 cents. For further explanation, I beg to refer you to my letter to the department on the subject, of the 26th April, 1821. This last amount, divided among the owners of the contract, made each fourth 4,370 dollars 44 1/4 cents. The owners were individually written to to ascertain whether they would agree to deliver building stone to those amounts. The owners of one fourth declined. Consequently, the amount actually available was only 13,111 dollars 32 3/4 cents. It is necessary, however, to remark here, that, in having to allot this last sum, it had to be done to the prejudice of other objects, then more important to the interest of the service; for that reason the owners of the remaining three quarters were verbally given to understand, that a failure in delivering building stone would not be considered by the engineer as a violation of their engagement, hence, probably, why the contractors extended their deliveries here to 1,412 dollars 88 cents only.

At Fort Calhoun the sum allotted was 27,066 dollars 52 cents; the deliveries covered that amount, and, as sums became available during the season, arising from the non-application to other objects, the contract was permitted to extend its deliveries: from that circumstance there were paid in 1821, 28,169 dollars 70 cents. At the close of the year a balance remained unexpended of 7,183 dollars 24 cents; of which 6,397 dollars 88 cents were paid on this contract for deliveries during the first and current quarters of this year. From these statements of facts, it appears that the amount allotted for the two posts to the contract was 40,177 dollars 34 3/4 cents. That the contract was authorized to deliver a less quantity of stone at this place than it was entitled to. That the deliveries at fort Calhoun were to the full extent of the original distribution. That, owing to further sums becoming available, excess deliveries were allowed to the amount of 1,03 dollars 48 cents during the

year 1821. And, lastly, that the contract received for deliveries during the first and second quarters of this year, 6,397 dollars 87 cents, out of the appropriation of 1821, making the receipts for fort Callum amount to 33,567 dollars 50 cents.

In the execution the contractors have faithfully complied with the stipulations of the contract, and have uniformly furnished the stone of the quality and in such quantities as were required.

C. GRATIOT.

Major general Alex. Macomb, chief engineer.

From the National Intelligencer of June 12.

On proceeding to publish the document, we discovered what appeared to us to be an *hijinks* in the series of papers accompanying the report. Upon which, we addressed to the chairman of the committee which made the report a letter, of which the following is a copy:

Washington, May 23, 1822.

Hon. Josiah Butler, M. C.

Dear sir—From an examination of the papers accompanying the report on the Mix contract, it would appear that two papers referred to in the report, and read in the house before the report was made, are not among those papers. The clerk of the house says he has them not, and, to prevent the possibility of an accidental omission of them, we have thought it better to address a line to you to inquire, whether or not they formed a part of the report. If so, they must have been taken from the clerk's table by some one after the report was delivered in. The papers referred to are Mr. Perley's statement, and Lieut. Smith's letter to general Swift.

Very respectfully, yours, GALES & SEATON.

To this letter we received the following reply by the last mail, which, at the request of Mr. Butler, and in justice to the committee, we present to the public:

South Deerfield, N. H. June 2, 1822.

Messrs. Gales & Seaton—Your letter of the 23d ult. reached me at a late hour last evening.

You say, "From an examination of the papers accompanying the report on the Mix contract, it would appear that two papers referred to in the report, and read in the house before the report was made, are not among those papers; that the papers referred to are Mr. Perley's statement and Lieut. Smith's letter to general Swift," and inquire of me, "whether or not they formed a part of the report."

In answer as chairman of the committee, I can assure you that Mr. Perley's statement, and Lieut. Smith's letter to general Swift, did form a part of the report, and were delivered to the clerk of the house, among the other papers with the report.

The statement of Mr. Perley was taken before the committee, under oath, and was considered by them very material testimony, though the facts contained in it were not particularly and fully detailed in the report.

The letter from Lieut. J. Smith to general Swift, was of a peculiar character, and related a conversation the writer or deponent (for it was sworn to) had with Mr. Perley, on the subject of his (Perley's) testimony before the committee. The letter thus sworn to, transmitted to the war department, and from that department to the committee, was offered to invalidate the testimony of Mr. Perley taken by the committee. Though the letter was referred to in the report, its contents were not stated, nor an opinion expressed as to its effect, by the committee in their report, as they supposed all the papers, of any, would be published. The committee, however, expressed their regret to general Swift that the letter, and not the deponent himself, should have been added before them, and remarks to him that (considering its error and the manner of its introduction) it would be more likely to excite a suspicion of his motives, than to exonerate him from negligence or blame in the transaction.

It was the anxious desire of the committee, that all the papers which were under their consideration (though some of them, which were introduced through the war department, did not bear the character of testimony, nor appear to appertain to that or any other department of the government) should be submitted to the public. Being informed that the papers, after they were submitted, with the report, to the house, by the committee, had not been constantly in the possession of the clerk, I inquired of you, as you may recollect on the day congress adjourned, whether you had received the report and the documents, and requested you to publish the whole according to the order of the house, as soon as possible.

The papers which seem to be missing, are very necessary to a correct knowledge of the facts and grounds of the report of the committee. Though no blame ought or can be attached to that very honorable and worthy gentleman, the clerk of the house, I regret exceedingly that all the evidence before the committee cannot appear with the report before the public.

With high esteem, I am yours, &c.

JOSIAH BUTLER.

Of Lieut. Smith's statement, it is probable a copy can be procured, and it shall be published. Of the other paper, (Perley's statement), as it has doubtless been mislaid, and perhaps may be inadvertently in the possession of some member of the house, it is yet possible the copy may be found; and, if found, shall of course also be published.

From the same of June 15.

The reader will find, in the subjoined deposition, a copy of one of the documents which ought to have accompanied the report of the committee of the house of representatives on the Rip Rap contract, as stated in the letter of Mr. Butler, (the chairman of the committee), which we have heretofore published:

Washington, June 12th, 1822.

Messrs. Gales & Seaton,

Gentlemen—In a remark accompanying the publication in the

Intelligencer of this morning, of your correspondence with Mr. Butler, you have intimated a desire to obtain, for publication, a copy of my letter to general Swift, one of the documents to which the correspondence refers. Upon that invitation, without awaiting a more formal application, I take occasion to transmit a copy herewith.

As to the objection, in Mr. Butler's letter to you, that I ought to have appeared before the committee instead of communicating to general Swift the facts contained in the letter in question, I have only to observe, that I was in the city during the investigation of Mr. Mix's contracts, was at all times ready to appear before the committee, whenever called upon to do so, and could not imagine that they would have abstained from requiring my personal attendance if they had desired it.

Believing the facts which usually came to my knowledge, as explained in my letter to general Macomb, of the 4th of May, published among the documents, to be calculated to destroy the credibility of Mr. Perley's statement, which went to impeach the integrity of general Swift, for whose character I have always entertained the highest respect, I deemed it to be my duty to make them known to him.

In reading the report of the committee, I was impressed with a belief that they felt disposed to ensure me for making a voluntary statement, as they had carefully noticed the word voluntary, in order to make it emphatic; but I now understand, from Mr. Butler's letter, published in your paper this morning, that the objection is not to its having been voluntarily made, but to its having been volunteered to general Swift instead of the committee; which, I hope, is satisfactorily explained.

I am, gentlemen, very respectfully, your obedient servant,

J. L. SMITH.

Washington, May 2d, 1822.

Dear general—I called yesterday on Mr. Perley, and told him I had understood he had stated that he had given in proposals to general Swift for supplying stone at Old Point Comfort, for two dollars and fifty cents per perch. He was very much confused, and in a hesitating manner replied, in substance, that there was nothing in what he had said; that he did not mean any thing against any body; that he did not know Mr. Mix. I repeated the remark, and inquired if it was the case? His reply was, in substance, nearly what it had been at first, and he still continued to be much embarrassed, and apparently disposed to apologize. Upon being further pressed, he acknowledged he had made such a statement to the committee, now investigating the contract between the government and Mr. Mix; but declared he had told them at the same time that he did not know if his proposals had been received by general Swift, and that he thought it very probable they had not been, as the letter containing them had been put in the Aquia post office, and the county post offices in Virginia were not much to be relied on. I asked him if any one had seen the proposals, and he answered that he did know that any one had seen them. I told him he ought to be compelled to prove he had made the proposals alluded to in his statement, and that, if any perjury respecting them should be detected, he would be liable to indictment for perjury. He protested that he was innocent, and that he did not mean any harm to general Swift or Mr. Mix, or any body. I then asked him when his proposals had been made, and was answered in 1817; but, upon being further questioned as to the date, he said he thought it might have been in 1818, and was not very certain it was not in 1819; at length, however, he concluded it was 1818. I asked him where he was established at the time he made the proposal, and from what quarry he intended to supply the stone; to which he replied he was at the public quarries on Potomac creek, and from them intended to supply the stone contemplated in the proposal in question. I told him the quarries on Potomac creek being, as I understood, several miles from water-carriage, that the carriage alone of a perch of stone would cost more than the rate of his proposal—and added, that I had understood, that in 1818 he was at Capt. Edgington's quarry, on Aquia creek. He then said he intended to supply the stone from Capt. Edgington's quarry, on Aquia creek, which was only a quarter of a mile from water-carriage. But, upon being reminded that, although there was only a quarter of a mile carriage by land, there were two miles by which it would be necessary to transport it by sews or other small craft, before they could reach the nearest point to which vessels in which it could be shipped could approach, and that this transportation by carts and by sews would be attended with the labor of twice loading and twice unloading, which, together with the expense of quarrying would enhance the cost, not at least the amount of his proposal, thereby making the expense of freight from Aquia to Old Point Comfort, and delivery, a total loss equal to at least two dollars per perch—and, after all, that the stone was not fit for the purpose, and would not have been received, he said he intended to have supplied the stone from the quarries above Georgetown. I then inquired what measures he had taken to inform him of with respect to the expense of delivering the stone from Georgetown, and he replied he had examined the quarries himself. I told him the freight alone from Georgetown to Old Point Comfort would have absorbed the whole amount of his proposal; but he said he knew better; that the freight from Aquia creek to Washington was only eighty cents per ton. I told him then, at a rough guess, that eighty cents per ton from Aquia to Washington was equal to six dollars per perch from Georgetown to Old Point Comfort; and upon that remark I left him.

My rough guess was not very far out of the way. A perch is at least a ton and a third; if, therefore, the freight of a ton from Aquia to Washington would cost eighty cents, that of a perch would cost one hundred and six cents and two thirds. The distance between Aquia and Washington is forty miles; that between Georgetown and Old Point Comfort two hundred and thirty

miles, or five and three-quarter times that of the former. Multiplying then one hundred and six and two-thirds by five and three-fourths, and there will be produced six dollars and twelve cents. From this, however, should be deducted the expense of loading and unloading four and three-quarter times, for which two dollars and twelve cents per perch would be a large advance, and then there would remain four dollars per perch according to Mr. Perley's calculation, i. e. the freight alone of the stone, which, by his proposal, was to have been delivered at two dollars and fifty cents per perch, which rate was to be his full compensation for the cost of the stone in the quarry, the quarrying, shipping, freight, delivery, agencies, and other contingencies, besides sundries, &c. &c. and his profit.

You are liberty to use this as you may think proper. I have no objection to make a deposition to its truth.

Yours, &c

Gen. J. G. Swift.

J. SMITH.

District of Columbia, Washington county, ss.

On this 34 day of May, 1822, before the subscriber, one of the justices of the peace for the said county, personally appears J. L. Smith, and makes oath, in due form of law, that, on the 1st day of May just, he had a conversation with F. Perley, the substance of which is stated in the foregoing two sheets, signed by him, and which have been attached by me.

Sworn and subscribed to before

JOHN N. MOULDER, Justice of the peace.

The following additional letter from the war department, was prepared for the committee we are informed, but it is in time to reach the house before its report:

Department of war, May 6th, 1822.

Sir—I have the honor to transmit herewith, for the committee appointed to investigate the contract between the government and Mr. Mix, a report of this date from the chief engineer, in which will be found the information desired by your letter of the 4th instant.

I have the honor to be, very respectfully, your obedient servant

J. C. CALHOUN.

Hon. Josiah Butler, chairman &c. &c. house of representatives.

Engineer department, May 16th, 1822.
Sir—In pursuance of your instructions to furnish me information desired by the following letter, viz:

"House of representatives, Ma 4, 1822.

The hon. J. C. Calhoun,

The committee on the contract of Mr. Mix, are desirous of knowing whether the contracts for the fortifications at Mobile Point, Dauphin Island and Lake Pontchartrain, made in May and July, 1818, were advertised for proposals, or rather whether there was any advertisement for proposals. Also, whether the contracts for the works at Point Comfort and elsewhere, made since July, 1813, were made on public notice for proposals.

JOSIAH BUTLER."

I have the honor to report that there were advertisements for proposals for the contracts for the fortifications at Mobile Point, Dauphin Island, and at Lake Pontchartrain; and that, since July, 1818, of the contracts made for the works at Point Comfort and elsewhere, there were twelve made on public notice for proposals and seven that were not so made.

I have the honor to be, very respectfully, your obedient servant

ALEX. MACOMB, M. G.

Hon. J. C. Calhoun, secretary of war.

The following paper also has been handed to us, a being so connected with the other documents as to make it desirable that it should be published after them:

Washington, 20th May, 1822.

Sir—In addition to my letter of the third instant, relating to Mr. Perley together with my recollection of the prices of stone in the years 1817 and 1818, I now subjoin the leading points of Mr. Perley's conversation with me, on the 2d of the present month, having on that day, at the request of the select committee (on the contract with Mr. Mix) given my opinion of Mr. Perley's character.

Mr. Perley commenced the following remarks to me in the committee room, and concluded them out of doors, where we remained some time in conversation—he observed that he had given his deposition before the committee to the following effect, viz: that, in the first instance, he had offered to supply sand stone, for the fortifications on the Chesapeake, at the rate of two dollars and fifty cents per perch, which offer had been rejected by a written communication received by him from the engineer department; and that, in the course of a few weeks after the receipt of the letter from the engineer department, he had again offered to supply hard and suitable stone at the same price, by a proposal which had been put into the Aquia post office, and to which no answer had been received by him, but fully believed, from his acquaintance with your character, that you had not received it.

He spoke of you in the most respectful terms, and assured me that he had so expressed himself before the committee, and repeated that he did believe you had never received his proposal, which he had made through the Aquia post office.

To the above I am prepared to depose, if required, and remain very respectfully, your most obedient servant,

G. BOMFORD.

J. G. Swift.

To complete the series of the papers relating to this subject, of which so much has been made, we publish the following letter from Gen. Swift, which appeared some weeks ago in the New York and other papers:

TO THE EDITOR OF THE NEW YORK AMERICAN.

Sir: During the late examination of Mr. Mix's contract by a committee of congress, certain statements appeared in the Wash-

ington Gazette, the New York Evening Post, Richmond Inquirer, Baltimore Federal Republican, and probably other Gazettes, impressing the public with an opinion that I, the subscriber, when chief engineer, had formed a contract with Mr. Mix, knowing him to be unworthy of trust, and that too without taking proper bond and security for the faithful execution of the contract which statements and inferences are totally untrue, as the contract, when made, was the best procurable, the character of Mr. Mix, had, in no wise, to my knowledge, been impeached, and good and sufficient bond and security were taken at the time of forming the contract to ensure its faithful execution, and it has been faithfully executed. The documents about to be published by order of congress will prove the foregoing. I will subjoin a brief view of the late proceedings in congress relative to the aforesaid contract.—The journals of congress will show that, in the latter part of April, a committee of the house of representatives was appointed, on motion of Mr. Butler, of New Hampshire, to examine Mix's contract, in the formation of which, as appeared in some of the Gazettes before mentioned, the character and conduct of the late chief of engineers was implicated. I determined to repair immediately to Washington, to afford a justification of my conduct.—Upon my arrival at Washington, I found the impression universal that every member of the examining committee, consisting of Mr. Butler, of New Hampshire, Mr. Campbell, of Ohio, and Mr. Moreau, was strongly prejudiced against the contract. I addressed a letter to General Moreau, the chief engineer, covering an affidavit, and stating that I was ready to appear before the committee, to furnish such explanatory testimony as they might require, which were transmitted by the war department to the committee, and remained in the city of Washington five days without being called upon by the committee. In the mean time, the appropriation bill being called up, Mr. Cooke moved to strike out the appropriation intended to pay for the stone to be delivered under the contract with Mr. Mix, on the all good ground of suspicion of unfairness in its formation. The members of the committee all concurred in the suspicion expressed by Mr. Cooke, and advocated the striking out the appropriation; indeed, the chairman of the committee declared that evidence had been disclosed to the committee which would justify an act that would make void the contract. At this moment a very strong impression was made in the house against the contract, as was naturally to be expected; but fortunately the house adjourned without taking the question on the motion.—Before the meeting next day, many of the members of the house were informed that the committee had in their possession evidence in favor of the contract, which had been presented to them through the presentation of the engineer department, without being requested by the committee, which, in fairness, ought to be laid before the house. A motion was accordingly made for their production, but the committee indicated no disposition to produce the papers, under the allegation that the committee did not know that they could be had; the member making the motion offered copies of the communication to the committee, to be read by the clerk of the house, which had the effect to produce the originals. They were accordingly read and the effects upon the minds of the members were instantaneous and decisive. Mr. Cullen, of this city, as soon as the reading was finished, rose in his place, and said, that he had had his prejudice against the contract, but that he was satisfied, from the reading of the documents which had been laid before the committee, that the contract was not only fair, but, at the time of its formation, advantageous to the government. He thought those facts established, and that no further debate was necessary, and concluded by calling for the previous question, which call was sustained by at least two-thirds of the house; and, on the main question of appropriation being put, there were only twenty out of one hundred and thirty in favor of Mr. Cooke's motion. It is worthy of remark, that the names of every member of the committee who had had these very documents before them for several days, are to be found among the twenty which but too strongly confirm the opinion that I found entertained by them against the contract. Notwithstanding this decisive vote, the committee thought proper to proceed in their investigation; and then, for the first time, was called upon by them to afford testimony in relation to the contract. In the mean time, an amendment was made to the bill in the senate, which attached a proviso that the appropriation should not be construed as affirming the contract; which amendment passed without debate or notice, from the hurry of business incident to the termination of the session. The bill with the amendment being returned to the house, it again called up the subject, and, although this amendment was supported by the examining committee, it was, after discussion, rejected by a majority of two to one, to which the senate acceded without a division. Since then, at the very end of the session, when there was no time for the house to express its opinion, the committee have reported unfavorably on the contract, notwithstanding the very decisive proof which the vote of congress indicated of its opinion, in opposition to that of the committee. Relying on that vote, it was my intention not to have made comment on what had occurred. Since, however, the committee have persisted in an opinion not favorable to the contract, which opinion was formed, as I truly believe, on prejudices caused by low insinuations and anonymous communications; and having seen their report in manuscript, I avail myself of this opportunity to state that I shall feel it a duty to examine the report when published, which has been ordered to be done by the house of representatives, with that respect which is due to a part of the constituted authority of the nation, but also with that freedom which is my right. The documents themselves will prove that the contract was made at the very lowest rate procurable at that time; and that, with proper bonds and upon terms highly advantageous to the public, after taking all the precautions usual at that time, and deemed to be abundantly sufficient to guard the public interest. The documents will show that the committee have, throughout their report, mistaken the documents, made partial extracts calculated to produce an erroneous impression, and kept back much that ought in justice, to have been brought forward.

The foregoing, it is presumed, will induce those who feel a solicitude for the concerns of the government, to peruse the documents as well as the report, when published.
J. G. SWIFT.
New York, May 16, 1822.

There is an additional statement made by gen. Swift—or rather a review of the report of the committee, that we would willingly insert, except that it would open a door that we might find it difficult to shut again: we should be compelled to insert a replication should any be made, and so on. Enough of matter has been published on the subject, and we are heartily glad that we have done with these papers.
ED. REG.

Treaty with France.

By the president of the United States,
A PROCLAMATION.

Whereas, by the second section of an act of congress of the 6th of May last, entitled "an act in addition to the act concerning navigation, and also to authorize the appointment of deputy collectors," it is provided, that, in the event of the signature of any treaty or convention, concerning the navigation or commerce between the United States and France, the president of the United States, if he should deem the same expedient, may suspend, by proclamation, until the end of the next session of congress, the operation of the act, entitled "an act to impose a new tonnage duty on French ships and vessels, and for other purposes;" and, also, to suspend, as aforesaid, all other duties on French vessels, or the goods imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same: And whereas a convention of navigation and commerce between the United States of America and his majesty the king of France and Navarre, has this day been duly signed by John Quincy Adams, secretary of state, on the part of the United States, and by the baron Hyde de Neuville, envoy extraordinary and minister plenipotentiary from France, on the part of his most christian majesty, which convention is in the words following:

ORIGINAL.

Convention of navigation and commerce between the United States of America and his majesty the king of France and Navarre.

The United States of America and his majesty the king of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The president of the United States to John Quincy Adams, their secretary of state; and his most christian majesty to the baron Hyde de Neuville, knight of the royal and military order of St. Louis, commander of the legion of honor, grand cross of the royal American order of Isabella the catholic, his envoy extraordinary and minister plenipotentiary near the United States; who, after exchanging their full powers, have agreed on the following articles:

ARTICLE 1.

Articles of the growth, produce, or manufacture of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

ARTICLE 2.

Article of the growth, produce, or manufacture of France imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandise, over and above the duties collected upon the like articles, also of the growth, produce or manufacture of France, when imported in vessels of the United States.

ARTICLE 3.

No discriminating duty shall be levied upon the products of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation.

Nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ARTICLE 4.

The following quantities shall be considered as forming the ton of merchandise for each of the articles herein after specified.

Wine—four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Branies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, forty two cubic feet French, in France, and fifty cubic feet American measure, in the United States.

Cotton—804 lb. avoirdupois, or 365 kilog.

Tobacco—1600 lb. avoirdupois, or 725 kilog.

Asis—pot and pearl, 2240 lb. avoirdupois or 1016 kilog.

Rice—1600 lb. avoirdupois, or 725 kilog.

And for all weighable articles not specified, 2240 lb. avoirdupois, or 1016 kilogrammes.

ARTICLE 5.

The duties of tonnage, light-money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping, in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed, in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France, in the United States, ninety-four cents per ton of the vessel's French passport.

ARTICLE 6.

The contracting parties, wishing to favor their mutual commerce, by affording, in their ports, every necessary assistance to their respective vessels, have agreed that the consuls and vice-consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back, and transport them out of the country. For which purpose the said consuls and vice-consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing—proving, by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that these men were part of the said crews: and, on this demand, so proved, (saying, however, where the contrary is proved), the delivery shall not be refused: and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who shall even be detained, and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But, if they be not sent back within three months, to be counted from the day of their arrest, they shall

be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 7.

The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

And, in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be on both sides diminished by one-fourth of their whole amount, and afterwards by one fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it, as above stated.

ARTICLE 8.

The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed, *bona fide*, for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS. [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of congress of the 15th May, 1820, and of the ordinance of the 26th July, of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded:

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS. (L. s.)

G. HYDE DE NEUVILLE. (L. s.)

SEPARATE ARTICLE.

It is agreed that the extra duties, specified in the first and second articles of this convention, shall be levied only upon the excess of value of the merchandise imported, over the value of the merchandise exported in the same vessel upon the same voyage: so that if the value of the articles exported, shall equal or exceed that of the articles imported in the same vessel, (not including, however, articles imported for transit or re-exportation) no such extra duties shall be levied; and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of the difference of their value. This article however, shall take effect only in case of ratification on both sides; and not until two months after the exchange of the ratifications. But the refusal to ratify this article, on either side, shall in no wise affect or impair the ratification or the validity of the preceding articles of this convention.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS. (L. s.)

G. HYDE DE NEUVILLE. (L. s.)

Now, therefore, be it known, that I, James Monroe, president of the United States, in pursuance of the authority aforesaid, do hereby suspend, from and after the first day of October next, until the end of the next session of congress, the operation

of the act aforesaid, entitled "An act to impose a new tonnage duty on French ships and vessels and for other purposes," and also all other duties on French vessels and the goods, being the growth, produce and manufacture of France, imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same, saving only the discriminating duties payable on French vessels and on articles the growth, produce and manufacture of France, imported in the same, stipulated by the said convention to be paid.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at Washington, the 24th day of June, in the year of our Lord one thousand eight hundred and twenty-two, and of the independence of the U. States the forty-sixth. JAS. MONROE.

By the president:

JOHN QUINCY ADAMS, *secretary of state*.

Legislature of New-Hampshire.

GOVERNOR'S MESSAGE.

Gentlemen of the senate and house of representatives:

The time fixed by the legislature to re-organize the government, and concert measures for the security of the rights, and the promotion of the happiness of the people, has again arrived, under circumstances promising the most beneficial effects from the performance of your legislative duties. A disposition generally prevails to give a candid construction and efficient aid to every public measure directed to these objects. Sober and unimpassioned views of public affairs have induced a respect for the laws, and a cheerful performance of those duties, and submission to those burthens, which a regard to the general interests of society have necessarily imposed.

The influence of those industrious and frugal habits, which circumstances have recently rendered peculiarly necessary, have produced a gradual improvement in the situation and pursuits of the people, equally conducive to individual comfort and general prosperity. This progress, although neither imposing nor brilliant, is yet distinctly marked by that steady and gradual advance, which experience has shewn to be the most safe and salutary to individuals and nations. It is sufficiently evident to encourage our best exertions to afford it further aid, by removing, so far as may be in our power, every obstacle to its more perfect attainment. Employment and industry, which an unprecedented combination of circumstances had diverted from their natural course, are now hastening their return to those channels, to which the character of our population and our natural and acquired advantages direct them. When time shall have given to these circumstances their full effect, a still higher degree of prosperity may be reasonably expected. Our most important institutions and pursuits are evidently in a progressive state of improvement; and, although they have not reached that high degree of success which would satisfy the wishes of the patriot, they have made those advances towards it, which cannot fail to enliven his hopes and invigorate his exertions.

The increasing intelligence and skill which direct our agricultural pursuits, have obtained for them an encouraging degree of success. Much, however, remains to be done to insure that degree of perfection, which should be the object of our wishes and our hopes in an art which is the foun-

dation of all human improvement, and conduces more than all others to human happiness. Its claims to a continuance of public patronage will undoubtedly receive that legislative consideration, which is due to their importance.

The progress of our manufactures yields an additional source of satisfaction. Their direct and indirect subserviency to the interests of agriculture, to the formation of those industrious habits, which constitute a principal source of our virtues and our happiness, and to a desirable independence on foreign nations, cannot escape the observation of those, who, with unprejudiced and enlightened views, explore the sources of our national prosperity. We are already indebted to their partial progress for the means of retaining our industrious youth from emigration, in search of objects of employment and enterprize abroad, which are now afforded them at home, with more certain prospects of success. New-Hampshire presents greater advantages and inducements to some branches of manufacturing industry, than most other countries. Situations affording to the manufacturer the aid of suitable streams and falls of water, the most convenient and unexpensive power for impelling his machinery, are no where found in greater abundance and perfection. The nature of our climate, the varied surface of our soil, and its adaptation to grazing, unite in directing our views to the woollen manufacture, as peculiarly suited to our situation, advantages and habits, and entitled more than any other to the public attention and favor. It is a manufacture which yields to none in its independence on caprice or fashion, and in the amount and constancy of the demand for its products. It affords the most direct and extensive aid to that kind of husbandry to which our soil and climate must always tend to direct our chief attention. Natural advantages afford the only certain direction to employments capable of affording permanent profit; and a sound and judicious policy will direct a people to avail themselves of such advantages to their utmost extent. Within the last year our manufacturing interests have increased in extent and activity. Capital, in our own and from other states, has been invested in them, under circumstances promising great and durable advantages. The legislative encouragement derived from liberal charters of incorporation, imposing no restrictions or liabilities, but such as the public security manifestly required, and the advantages formerly afforded them by an exemption of a considerable part of their capitals from taxation, during their earliest efforts and subsequent embarrassments, have undoubtedly contributed to their present increasing prosperity. It cannot be doubted that the benefits and favors thus bestowed, will be repaid to society, by advantages beyond measure greater than the inconsiderable sacrifices by which they were obtained.

The situation and limited extent of our sea coast, precludes us from deriving those extensive advantages from commerce, which are enjoyed by many of the other Atlantic states. Those of our citizens who could avail themselves of these limited advantages, have, by their intelligence, enterprize, and industry, contributed to our prosperity, and established the claim of this branch of industry to public favor, as one of those interests which materially conduce to wealth and general improvement.

The illiberal and selfish policy of our colonial government, during the last period of its existence, by a hurried distribution of the public lands to themselves and their favorites, without those reservations for the promotion of education, which a

correct and sound policy would have dictated, has left us destitute of those public funds from this source which are enjoyed by many of the other states. The evils which might have resulted from this reprehensible desertion of one of the highest interests of society, have been averted by those enlightened views, which have since given us laws making a liberal provision for general instruction. The tax annually imposed and cheerfully paid for this object, amounts to nearly three times the usual amount of the annual public expenditure for the legislative, executive, and judiciary departments of our state governments. The judicious application of this tax, aided as it is in many of our towns by an additional appropriation for the same purpose, authorized by the law, and generally by considerable private contributions, carries the means of mental improvement and of moral and political information to all our children and youth without distinction. A system insuring such means of general information, must be regarded as of inestimable importance, since it is only through the general intelligence and correct moral feeling of the people, that we can hope to sustain and perpetuate the harmony and perfection of our political institutions.

The wisest systems of education have never yet proved sufficient to eradicate, although they undoubtedly tend to lessen, the amount and atrocity of vice. Institutions, having in view the prevention and punishment of crimes and the correction of offenders, are therefore amongst the most indispensable establishments of government. For the attainment of these objects our state prison was erected, and has now been in operation a sufficient time to furnish the means of forming a correct estimate of its utility. Altho' experience has disappointed the sanguine expectations of those who hoped for a general reformation of the vicious, who should become the objects of its discipline, yet the facts which its operations have disclosed, leave no doubt that it possesses great advantages over the system which preceded it. Four years have nearly elapsed since the present system of conducting the affairs of the prison was adopted, and the present warden appointed to office. The greatest number of convicts in the prison, at one time, within that period, was seventy-four; the present number is fifty-eight. The whole expense of the establishment, including the salary of the warden, after deducting the profits derived from the labor of the convicts, for the year ending May, A. D. 1819, was eight hundred and sixty-two dollars and seventy-two cents; that for the year ending May, A. D. 1820, was three hundred and forty-five dollars and forty-five cents; that for the year ending May, A. D. 1821, was two hundred and thirty-two dollars and eighty-nine cents. The whole annual expense of furnishing each convict with wholesome and nourishing diet, and comfortable clothing, for the year ending May, A. D. 1819, was forty-nine dollars and fifteen cents; that for the year ending May, A. D. 1820, was thirty-four dollars; that for the year ending May, A. D. 1821, was twenty three dollars and twenty cents. These sums exclude the expenses incurred by the sickness of the convicts, which, owing to their general good health, have been very inconsiderable. The examination of the accounts of the prison, for the year ending May, A. D. 1822, is not yet closed, but it is confidently expected that the result will not be less favorable than that of the preceding year. The prospect of a steady and regular demand for the products of the labor of the convicts, is at present more favorable than at any preceding time since the establishment was commenced. The results

stated, lead, it is believed, to a favorable opinion of the present system of managing the concerns of this institution.

The board of directors have endeavored to perform their duty faithfully, but a regard to justice requires them to acknowledge, that whatever claims to merit the facts stated may be thought to disclose, it should be attributed chiefly to the able and faithful exertions of the warden, in the performance of his duties. It would not only be unjust to merit, but injurious to the best interests of society, to withhold public approbation from an officer, who, in the discharge of a public trust, displays all that care, diligence, and frugality, which the most industrious and discreet persons exercise in their own private concerns. Whatever may be the intrinsic excellence of systems of government, or of institutions connected with them, the degree in which they will be found to promote the general welfare, will always depend on the degree in which those to whom their administration is committed, bring with them, and preserve in their official conduct, those qualities and virtues which insure respectability and success in the common affairs of life. Without the possession and constant exercise of these qualities, in the performance of official duty, no man can be worthy to receive the approbation or retain the confidence of the people.

The maxim, that the certainty of punishment is more efficacious in the prevention of crimes than its severity, has commanded the assent and belief of the executive. The power of remitting the punishment of convicts, with which it is invested, has, therefore, been very sparingly exercised.—Within the last three years, only five convicts have received a remission of any part of their punishment. Three of these labored under diseases believed to be incurable, by the physicians of the prison; one was affected by mental derangement, and the remaining individual had conducted in an unexceptionable manner, during his residence in the prison, and was pardoned at the intercession of his aged father and an helpless family.

The only considerable defect in the present system, which has engaged attention, is the evil resulting from its incompetency to afford a sufficient restraint upon the opportunity of communication, betwixt the more and less corrupt convicts, whereby the probability of individual reformation is diminished. This seems not to admit of a complete remedy, without a continual separate confinement of the convicts, which would greatly increase the expense, whilst it would lessen, if not wholly subvert, the profits derived from their labor. Such too are the character and confirmed bad habits of the convicts in general, that those benevolent persons, who would hope for many additional instances of reformation, from an alteration of this kind, would probably again be subjected to disappointment.

The law, which established our present judiciary system, transferred the judicial duties of the courts of common pleas to the superior court, and thereby considerably increased its labors.—The change was induced by the expectation, that it would render the system less expensive, and more efficient. How far these hopes have been or may be realized, must be decided by experience.—The limited extent of our territory and population, the great preponderancy of agricultural over all other pursuits, the unlitigious character of the people, and the very obvious decrease of litigation, untwined in encouraging the experiment of a system, much less complex, and which gave promise of being much less expensive, than those systems, which

necessity, rather than choice, had imposed upon larger and more commercial states. The time fixed by the law for holding the sessions of the superior court, has in all the counties, excepting Rockingham, proved to be amply sufficient for the performance of the business. It is believed, that no instance has occurred in those counties, of delay in the decision of causes from want of time. The sessions have seldom been protracted beyond eight or nine, and in several instances have not exceeded five days. In the county of Rockingham, from the greater number and more intricate nature of many of the questions litigated, the time fixed by law for holding the semi-annual session in September, has proved insufficient for the completion of the business. The public interest requires, that this inconvenience should be obviated. An adequate remedy might probably be afforded, by an alteration in the time of holding the September sessions in Strafford, and Rockingham, which would give an additional week to the session in the latter county.

Frequent changes in the laws, regulating judiciary proceedings are attended with many inconveniences and evils, and should be avoided, unless evidently necessary to the public welfare. Where inconveniences are supposed to arise from the operation of an existing system, it is of great importance to examine cautiously, not only whether the supposed inconveniences actually exist, but if found to exist, whether they arise from inherent defects in the system, or from extrinsic causes. Without a proper exercise of this precaution, the best judiciary system, which could be devised, might be discarded on account of mere defects in the rules adopted for its administration, or from incidental circumstances, or obstacles having no real connection with its merits, which a small amendment, or even time and experience, would enable those who administer it to correct.

The law of November session, A. D. 1820, having in view improvements in the organization and discipline of the militia, aided by judicious regulations introduced into the adjutant and quarter-master general's departments, and by the unremitting attention and ability, with which the duties of those offices have been discharged, have produced a more systematic and effective discipline, and tend eventually to a reduction of the expenses incident to the military establishment. The present system in its great outlines is probably susceptible of but little improvement. In the provisions for enforcing its execution, further experience may be expected to point out the necessity of alterations.—None have yet occurred to observation, as requiring immediate attention, excepting the burdensome expenses attending courts martial. These have, under former systems been a subject of complaint, and it is regretted that they do not appear to be lessened by the operation of the present law. It is very desirable, that some system may be devised and adopted, which would reduce these expenses, without putting at hazard the benefits derived from an efficient system of discipline. It is suggested for consideration, whether this object might not be attained in some considerable degree, by a reduction of the number of members and supernumerary members, which compose those tribunals, without endangering the rights of individuals, or the respectability and usefulness of the militia.

The law in relation to the powers of auditors appointed by the superior court in actions of account, requires, it is thought, revision and amendment.—

In that form of action, the mutual claims and rights of partners in the ownership and management of property, and those which arise from complicated agencies in the negotiation of business, in which extensive confidence is necessarily placed, mutually, or by one party in the other, may be most conveniently and equitably adjusted. In such cases, where confidence has been misplaced, or disputes arise, great difficulties are experienced in obtaining the evidence necessary to ascertain the rights of the parties, from the circumstance, that much of this evidence often rests solely in the knowledge of the parties, or in their private books and papers; and the auditors are not, by the present law, authorized to compel the parties to make the disclosures necessary to a correct knowledge of the facts, upon which the decision should depend. I would, therefore, recommend that the law on this subject be so amended, that auditors may be invested with the power to compel the parties, in causes depending before them, to produce such books and papers, and to answer, on oath, such interrogatories, relating to the matters in controversy, as may be pertinent and material.

It is also believed, that the law relative to suits against absconding debtors and their trustees, is susceptible of amendments, which would render it more extensively useful. By this law, the personal property, rights, and credits of absconding debtors in the hands of their trustees, are subjected to the demands of creditors; but the person, to whom the debtor may have transferred his real estate in trust, is not liable to a trustee process. When evidence can, in the ordinary course of proceeding at law, be obtained to shew, that such conveyance of real estate was in trust for the benefit of the debtor, the conveyance would, in legal consideration, be regarded as a fraud, and such estate would be liable to a levy of execution in satisfaction of creditors.—The difficulty of showing, that such conveyance was made in trust, for want of the power, given by law in the case of trusts of personal property, of requiring the trustee to declare on oath the circumstances, under which the conveyance was made, renders it in many cases, impossible to establish the fact of such trust and tends to the encouragement of such secret trusts and frauds. It is suggested for consideration, whether the extension of the provisions of the law, respecting the liability of the trustees of the personal property, rights, and credits of absconding debtors, to the case of the trustees of the real estates of such debtors; might not tend to the detection of frauds, and a more efficient administration of justice in such cases. By the provisions of this law only one person, as a sole debtor, can be sued in the same process. Hence it happens, that where such absconding debtor has several trustees, and the creditor has several demands, a multiplicity of suits, and a great accumulation of expense is occasioned; but when the creditor's demand consists of a single right of action, he is exposed to the laws of the greatest part of his claim, from the insufficiency of the sum in the hands of any one of the trustees, to discharge it, and the want of legal authority to join several of them in the same process. It is believed, that it would be expedient so to amend the law in this respect, as to enable the creditor to include several separate trustees of his absconding debtor in the same suit, under such restrictions as to costs, as would guard the law against abuse from the insertion of trustees, who were such only to an inconsiderable amount.

The measures of the national government are justly regarded as subjects of great interest to the

people, but they become more peculiarly of this character, when believed to be founded on doubtful or erroneous constructions of the constitution, tending to an extension of their own powers.—When a case of this kind occurs, or even if it appears probable, that it is about to happen, it becomes the duty of the legislatures of the individual states, to adopt such constitutional measures, as may tend to correct the error, or avert the evil.—A too scrupulous delicacy in the performance of this duty, when evident in its nature, and important in its consequences would be a desertion of interests, which they are bound by the strongest motives to protect, and must tend to put at hazard every thing valuable in our civil institutions.—These considerations are believed to justify the calling your attention to those collisions of opinion, which have several times taken place, betwixt the national executive and a majority of congress, on the construction which ought to be given to those provisions of the constitution, which vest in the national legislature power to provide for the general interests, and more particularly for those which are supposed to relate to internal improvements. The constitution gives to congress the power “to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States,” and immediately proceeds to define, and vest the specific powers, which were deemed necessary to effect these objects. Amongst these it is thought no one can be found, which, on any known principles of construction, can authorize congress to expend the public resources in mere objects of internal improvement. The power to impose taxes, to pay the debts, and provide for the common defence and general welfare, seems to have been construed as a specific grant of power to congress, to do any act, or adopt and carry into effect any, and every measure, without restriction, which, it might suppose, would conduce to the general welfare. This construction is believed to be wholly unwarranted. The words “to provide for the common defence and general welfare,” are merely mentioned as the objects, for which the power to raise taxes is given, and the power to lay taxes is the only specific power given by this article of the constitution. Under this erroneous construction, a majority of congress seem to suppose, that they are invested with power, to appropriate the national resources to objects of mere internal improvement, such as making canals and roads in the interior of the country, which have no connection whatever, with either the common defence or the general welfare, other than that, which all internal improvements, even the building of bridges or mills, or the improvement of the soil possess.—It is too obvious to be disputed, that if this clause of the constitution gives to congress the authority to make such roads and canals, that even a less extended construction of it must include every specific power vested by that instrument, and thus render them wholly impertinent and unmeaning, an inconsistency and absurdity, which could not be admitted, except under the most imperative necessity. When we advert to the great caution, with which the powers vested by the constitution were generally defined and guarded by that distinguished body of men, by whom it was framed, we find it impossible to believe, that, by the indefinite phrase, “to provide for the common defence and general welfare” in the connection in which it is used, they could have imagined it to be susceptible of that broad and sweeping construction, which must of

necessity merge in it, and render utterly superfluous, every special grant of power in that instrument. A power to provide for the general welfare without restriction or limitation, is in fact, a power to do whatever those, who are invested with it, choose to consider promotive of those objects.—This is in truth the power of a despotism, and can have no place in a free government, the first principle of which is, that the powers delegated to rulers, shall be distinctly and clearly defined and limited. Were the phrase in question to be regarded, even as a delegation of power to provide for the general welfare, yet on every known and acknowledged principle of interpretation, it would be liable to receive a strict construction, and consequently could authorize only such measures of congress, as were in their nature general, extending direct benefits to every part of the nation, and not such as were directly beneficial only to a part, and to the remainder merely incidentally, by possibility, or on some remote and uncertain contingency. The consequences, which may naturally be expected to result from giving so broad and indefinite a construction to this clause of the constitution, as would authorize congress to appropriate the national resources to mere objects of internal improvement, ought not to be disregarded in a consideration of this question. The national resources, so applied, would generally be directed to great and imposing objects in those parts of the country, which were susceptible of them on that extensive and magnificent scale, which would gratify those national feelings, which always have a powerful influence, whilst those which were less adapted to gratify these feelings, although of equal or even greater importance, and those affecting the interests of the smaller and more remote sections of the country, would be either wholly neglected, or receive less than a proportionate share of the attention of the government.

Jealousies and discord would inevitably spring from real or supposed partiality in the appropriations for these objects, and endanger that general harmony, which is intimately connected with national happiness. It would greatly extend that indirect power and influence of the government, derived from its patronage, which ought always to be feared, as a principal source of that intrigue and corruption, which has so generally destroyed or impaired every thing valuable in human government. No motives are discovered, that should induce a wish, that the constitution might be found susceptible of a construction, which should authorize congress to expend the national resources in mere objects of internal improvement, unless accompanied by a belief, that these objects would be more judiciously and economically attained under the direction of the national, than of the state governments. But no facts or evidence are known to exist, which can be thought to warrant that expectation. In national governments generally, (it is hoped our own may prove an exception), waste and profusion, corruption and favoritism, connect themselves with every national undertaking and expenditure. This arises in part from the extension and complication of the national concerns, which renders it difficult to exercise an efficient control over numerous and remote agents, of whose characters, conduct and circumstances, the government cannot always keep itself sufficiently informed;—and it arises in part from a combination, of an indirect kind at least, amongst those, who are employed in, or by the government, to afford each other a mutual support against the correction of

abuses, or the introduction or preservation of those principles of economy in the public concerns, which the interests of the people require. At times this is so obvious, that they are seen to possess the effrontery to endeavor to influence public opinion, by boldly affecting to hold up to scorn every measure, having for its object the correction of a wasteful misuse of the public resources, as unbecoming national dignity; as if it were possible, that real national dignity and respectability could acknowledge any connection with profusion and extravagance.

It may not seem probable, that this clause of the constitution will speedily receive a settled construction from the national legislature, when we consider the present difference of opinion on this question, between the national executive and the legislature, the present state of the national treasury, which requires a restriction, rather than an increase of expenditure, and the uncertainty at least, whether we are not to experience still longer a continued accumulation of the national debt, notwithstanding the lapse of several years of profound peace. Yet it cannot be improper, that public attention should be now directed to the consideration of a provision of the constitution, supposed to vest powers so extensive and indefinite, and which has received a different and irreconcilable construction, from men, judging no doubt from the purest motives, and possessing high claims to public confidence for their intelligence and integrity. It can neither be regarded as assuming nor improper in the legislature of a state, after giving that deliberate consideration to this question, which its importance and difficulty may be thought to require, to form and bring to the view of the other state legislatures, an opinion on the question, whether the power of expending the national funds on objects of mere internal improvement, has been delegated to the general government; and if believed to be so delegated, whether the constitution ought not to be so amended, as to divest congress of this power, or so direct and regulate its exercise, as to afford security against those evils which may result from it, and secure to every part of the nation an impartial distribution of such appropriations, as may be made for these objects.

SAMUEL BELL.

Concord, June 7, 1822.

CHRONICLE.

The strange fish, lately taken on the coast of New-Jersey, is said to be the *Basking Shark*, which usually inhabits the high northern parts of the Atlantic ocean; and it is believed that the presence of this animal has given rise to the various stories about the sea-serpent.

Boston. Forty-two merchants stopped payment in this city within the period of a month.

Col. Lyon. The Arkansas Gazette says—col. M. Lyon, U. S. factor in the Cherokee nation, arrived here in a keel-boat on Tuesday last, on his return to his station at Spadre Bluff, on the Arkansas, 140 miles above this place.

He left home (Spadre Bluff) on the 14th Feb. last, in a flat-boat of his own construction, loaded with furs, peltries, &c. of his last year's collection, for New-Orleans, where he arrived safe. After disposing of his cargo, and purchasing such articles as were necessary for the factory, (among which is the machinery for a cotton-gin which he is erecting, weighing 1400 lbs.) he ascended the Mississippi to the mouth of White river, where he

stored his freight, and proceeded up to Kentucky, on a visit to his connexions—his stay with them, however, was but short. From thence he returned in a keel boat in which he passed here. By the expiration of three months from the day he left home in February last, he will have arrived there again—and will have performed in that time, a journey of more than three thousand miles.

During this long journey, he has undergone more bodily fatigue than could have been expected of a man at his advanced age—but we could not discover that it had in the least affected his health. On his trip down the river, his boat ran aground several times, when he was always the first man to jump into the water to “shove her off,”—and in ascending, he still insists on performing his part, either in rowing, steering, or cordelling.

¶ We notice the above chiefly to shew that a voyage of a few thousand miles on our magnificent rivers, lakes, &c. amounts to little more than the excursion of a man to visit his friends. The time is at hand, when greater things than what is here related will happen among us. People will go to Michilimackinac on parties of pleasure, to hunt and fish, and there will be steam boats on lake Superior.

Statuary. The celebrated Canova has executed a new groupe—Jesus Christ dead, the virgin Mary and Mary Magdalen. Michael Angelo and others had treated the same subject, but it is said that the work of Canova surpasses every preceding attempt.

[*Nat. Gaz.*]

Indian trade. The factory system was abolished by an act of the last session, and the agent, to close up the concern, under date “Georgetown, D. C. June 15, 1822,” has issued the following advertisement:

“Notice is hereby given to those persons engaged in the Indian trade, that the agents, appointed in pursuance of a late act of congress, to take charge of the goods remaining unsold at the United States’ factories, for carrying on trade with the Indians, will be authorized to dispose of the same to Indian traders, or others, for the original cost of the goods and charges. The following statement exhibits the amount of the goods on hand at the factories, respectively: At Green Bay, \$10,800; at Chicago, \$10,300; at Prairie des Cheins, \$25,400; at Fort Edwards, \$11,950; at Fort Osage, \$16,900; at Arkansas, \$9,300; at the Sulphur Fork of Red River, \$11,000; at Georgetown, D. C. \$1,300. Any company or individual disposed to purchase the whole of the goods on hand, at any one or more than one of the factories, can have them on reasonable terms, on application by letter addressed to

GEORGE GRAHAM, Agent.”

Appointments in the revenue made by and with the advice and consent of the senate.

Myndert M. Dox, collector of the customs for the district, and inspector of the revenue for the port of Buffalo Creek, N. York.

Frederick Miller, collector of the customs and inspector of the revenue for the district of Blakely, Alabama.

Samuel White, collector of the customs and inspector of the revenue for the district of Pearl River, Mississippi.

Ebenezer Elmer, collector of the customs and inspector of the revenue for the district of Bridgetown, New Jersey.

James Williams, collector of the customs and in-

spector of the revenue for the district of Sandusky, Ohio.

John Dagerfield, collector of the customs for the district of Tappahannock, Va.

Benjamin Crowninshield, collector of the customs for the district of Marblehead.

John Swens, collector of the customs for the district of Avannah.

John S. Joddell, naval officer for the port of Charleston.

Joseph S. Pelot, naval officer for the port of Savannah.

William Mitchell, surveyor and inspector of the revenue for the port of Swansborough, North Carolina.

John G. Lawney, surveyor and inspector of the revenue for the port of East Greenwich, Rhode land.

G. W. Bicoe, surveyor and inspector of the revenue for the port of Nottingham, Maryland.

William Willard, surveyor and inspector of the revenue for the port of Saybrook, Connecticut.

John Chw, surveyor and inspector of the revenue for the port of Havre de Grace.

James Caypole, surveyor and inspector of the revenue for the port of Chester.

John S. Aspcott, surveyor and inspector of the revenue for the port of Yeocomico.

Valentin King, register of the land office for the district of Opelousas.

Bernard Smith, register of the land office for the district of Arkansas.

William Aylett, register of the land office for the district of St. Stephens.

Eldridge S. Greening, register of the land office for the district of Conecuh court house.

John Miller, register of the land office for the district of Ioward county.

Gideon Fitz, register of the land office for the district composed of the lands lately ceded by the Choctaw Indians.

James C. Dickson, receiver of public moneys for the same district.

Levin Wailes, surveyor of the public lands south of Tennessee.

Richard M. Chapman, collector of internal revenue for the 20th district of Virginia.

Charles Miles, collector internal revenue for the 9th district of Ohio.

Thos. Whiteside, collector internal revenue for the 10th district of Pennsylvania.

Frederick Jenkins, appraiser of goods in the custom house of New York.

Appointments made since the adjournment of congress.

John Biddle, register of the land office for the district of Detroit.

Samuel Ayer, surveyor and inspector of the revenue for the port of Eastport.

Benjamin B. Baker, surveyor and inspector of the revenue for the port of South Quay.

William Arnstead, surveyor and inspector of the revenue for the port of Hampton.

George McGlassin, surveyor and inspector of the revenue for the port of St. Johns, district of St. Augustine.

William B. Tyler, surveyor and inspector of the revenue for the port of Dumfries, Va.

Samuel F. Dennison, surveyor and inspector of the revenue for the port of Stonington, Connecticut.

Mark Harden, collector of the customs for the district of Appalachicola.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 19—VOL. X.] BALTIMORE, JULY 6, 1822. [No. 19—VOL. XXII. WHOLE No. 565

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

Mr. Russell's reply to Mr. Adams' remarks, occupies a considerable portion of the present sheet, and is entitled to and will receive the attention of our politicians and statesmen—for the manner and matter of the whole affair is of more than ordinary interest.

☞ The bank of the U. States has declared a dividend of two and one quarter per cent for the last six months. Mr. Cheves having publicly notified his intention of retiring from the presidency, Mr. Gallatin is spoken of as his successor.

The operations of this institution have clearly verified our predictions at the time when the mania about its stock prevailed—we said that it could not be expected to divide more than *five per cent. per annum*, surely not more than six, on account of its large capital and pompous establishment. It was some time since officially declared that the stock had been made whole—and this dividend of two and one quarter per cent. or $4\frac{1}{4}$ per cent. per ann. is the highest that has been since declared.

PRINCIPLES AND ACTS OF THE REVOLUTION. The publication of the volume thus entitled, was made known sometime ago. It has been forwarded, as we believe, to all the subscribers as was directed by them, though not yet, perhaps, been received by all. If any have been neglected, they will please to inform the editor of it. A few copies remain on sale, and a few only. The edition was a small one, for it was not a money-making scheme: its design was the preservation of fugitive pieces passing to oblivion, and to furnish an inducement to those who love the principles of the revolution to give such papers as may be in their possession some permanent form—to serve as *landmarks* for posterity, and so perpetuate them to the latest generations, for the benefit of mankind. The editor did not expect a profit from his undertaking—and “blessed are they who expect nothing;” but he hoped that he might do some good, and flatters himself that he will not be disappointed.

MR. HENRY CLAY. This distinguished statesman has been prevailed upon by his friends again to offer himself for seat in congress, and it is believed that he will be elected without opposition. At a dinner lately given to Mr. Leigh, the commissioner from Virginia, Mr. C. gave the following volunteer toast—“*The improved hemp-breaker*—May it prove a new tie to the different parts of the union; and a new source of wealth to our country.”

AMERICAN ATLAS. Messrs. Carey & Lee, of Philadelphia, have now nearly ready for publication, an American Atlas, on the plan of Lavoisne. The maps and charts are well executed, and the geographical and statistical matter that accompanies them is of great value. The editors have spared no pains or expense to bring out this splendid work in the best possible manner, and we trust that the patronage of the public will amply reward their laudable enterprise.

The 4th number of Tanner's superb atlas is also now published—the delay has been caused by the correction of many very important errors found to

have existed on the best maps of the interesting regions beyond the Mississippi. This number contains a map of North America, on four sheets.

The success of works of this sort shews public improvement—and if the people of the United States would strive to ascertain the capacities of their own country much more than they do—they would not be any the worse for it.

A NEW WORK. Proposals are issued by Mr. J. A. Bingham, for printing a volume to contain the declaration of independence, the articles of confederation, the constitution of the United States, the inaugural addresses, public speeches and messages of all the presidents of the United States, the farewell address of Washington, and portraits of those who have presided over the affairs of the republic. It is estimated that the volume will contain between 6 and 700 pages, and the price is to be \$3.50 in boards, \$4 bound, payable on delivery. We heartily wish success to any work that extends the amount of what may be called documentary knowledge, that things may be compared with things, and the public mind be enlightened thereby.

PRIVATEERING. A valuable vessel, the schooner Elizabeth, of Georgetown, Dist. Col. on her passage home from Laguaira, has been captured by a privateer and sent into Porto Rico. Four stout vessels have been fitted out in this island for the purpose of capturing all vessels coming from the ports on the Main, in possession of the patriots—these being declared in a state of blockade.

The U. S. ship Hornet was off St. John's, Porto Rico, on the 6th of June, and sent a boat ashore. It is believed that she had subsequently re-captured an American brig and schooner that had been taken by one of these privateers.

Pirateering goes on with increased extent and success from Cuba, and the small islands and keys adjacent. A French brig, with a cargo worth 150,000 dollars, and several valuable British vessels were recently taken by them. The goods are disposed of at very small prices in some of the ports of Cuba. The wretches hung the mate of the French brig.

It is reported at Havana, that about 30 men, of the crew of one of our vessels, who had been landed at Cape Antonio to pursue some pirates on shore, were attacked by a party of mountaineers, and all killed.—This is improbable.

☞ We have a horrid detail of the particulars that took place when the Aurilla, from Baltimore for New-Orleans, was boarded by the pirates—and, shocking as it is to humanity, we shall give it a place in our next.

Between privateering and pirateering, it appears probable that all the small vessels belonging to our navy will have enough to do in the West India seas. It is forever to be regretted that our own *Antigans* have afforded the shadow of an excuse for these things.

CAPTAIN PARTRIDGE, who so long superintended the U. S. academy at West Point, has built up a similar institution on his own account, at Norwich, Vermont. He lately marched his pupils to Con-

cord, N. H. where they were most kindly received by the citizens, reviewed by gov. Bell, and treated with distinguished respect. The young ladies of the town presented them with a flag.

DIPLOMATIC MISSIONS. In our last paper, speaking of the average annual cost of the diplomatic missions of the United States, we made a general remark that that average was, perhaps, less than what other governments disbursed on account of a single mission. Since then we have noticed the following, extracted from a London paper of June 11, by which it appears that the British establishment at the court of Vienna, costs that nation more than the average of our whole expenditure for twenty years past!

"The sum of our expenses for ambassadors, envoys, and different kinds of foreign ministers in 1792, was £88,346: In 1821 it is £171,489 or nearly double: In 1792, the general expenses of the French embassy were £9,460: now they are £14,555. At the former period, the Austrian envoy and his establishment cost £5,300: now, our ambassador at that court, consumes £14,989! Our envoy extraordinary at Lisbon in 1792, was 3,432: now we have only a secretary of legation, who yet expends for us 2,299!. We had in Switzerland, in 1792, a minister plenipotentiary at 1,575!. per annum. On the return of peace, there was only a secretary of legation at 500!. who, as charge d'affaires, received about 1,095!. more, making in the whole, with 422!. incidental, 2,017!. This was pretty well. But now comes the appointment of the young ministerial recruit. Henry Watkin Williams Wynn is to receive, as envoy extraordinary and minister plenipotentiary to the Swiss cantons—in salary 3,900!. per annum; outfit, 1,500!; secretary of legation, 500!. per annum—sum total for first year, 5,900!.!!!!

One may well wonder at the expense of the mission to *Switzerland*, with which Great Britain has so little communication, if it is not recollected, that the thing was got up to give a snug place to a youth, the son of a person of great wealth and parliamentary influence—eleeting, I believe, about six members of the house of commons himself! The cost of this mission (5,900!.) or 26,196 dollars, is more than the salary paid to the president of the United States—which some people think is higher than it ought to be.

LABORING MACHINES. Mr. Owen calculated that the labor of 400 millions of workmen would be required to produce the British goods of all sorts now manufactured with the aid of machinery.

NAVAL. It appears to be the intention of the navy board to build "ship houses" at all the navy yards, in which our vessels will be built, and also preserved until it is desirable to launch them. This is truly an economical proceeding—the men can work on wet days as well as on dry days, in winter nearly as well as in summer, and the ships will be thus better kept under cover than in any other way. One of these houses, capable of covering a ship of the line on the stocks, has been erected at Philadelphia, and another was spoken of. The following brief description of the house at Charlestown [near Boston] will gratify the public curiosity—"A new and extensive ship-house has been erected at the navy yard, for the purpose of containing within its spacious area, a new line of battle ship, the ribs of which are now preparing. This house is to have large and commodious work-shops on both wings,

for the accommodation of the carpenters and all descriptions of mechanics. The building is about 80 feet high, and covers 7-8 of an acre of ground. The frame contains more than 4500 different pieces of timber and joists, and it has probably the most capacious interior of any edifice in the union. It is calculated that the roof will require more than a million of shingles to cover it."

IRELAND. A writer in the Washington City Gazette suggests it, as the best and most effectual mode of relieving the distresses of the people of Ireland, to charter vessels to bring to the United States such distressed families as shall be willing to come and obtain permanent relief by their labor in the prairies in the west, &c. This is like another favorite project of the humane—in which a zeal for the purpose runs away with a consideration of its practicability. Suppose that we should freight 20 ships and provision them to bring 6000 passengers across the Atlantic, 300 each ship in a year—what would it cost us before these 6000 persons were located, by our care, on the western prairies, and what effect would such an amount of people have on those that remained in Ireland? Would it really diminish the number of persons, or only make room for population further to press upon the means of subsistence—or, if it caused actual diminution, would the force of it be felt on the nation any more than the loss of a drop of water from a bucket full? These questions are asked, because the object of the writer seems to be a relief of the whole, by the removal of a part of the excessive population of this ill-fated country. It is true, that 6000 young and healthy Irish persons brought annually to the United States, would powerfully increase our population by their early marriages and natural product—but it is to me very doubtful whether their remaining at home, would not serve as a check on the population of their own country equal to the impulse that they might give to the population of this. So it is that we may build up a colony of free blacks in Africa and cause even the establishment of a powerful nation there, without affecting the quantity of blacks that otherwise would have existed in the United States. I am satisfied that of all the Europeans, Africans or Asiatics and their descendants, that ever lived or are now living in the United States—about 30 millions perhaps in the whole, not more than 400,000 were immigrants, or imported, from the first settlement of our country to the present day. What effect then, could this small aggregate, in the lapse of 200 years, have had upon the teeming millions that have died during that time, or are still living in the vast regions from which they were drawn? Such emigration may just as easily have tended to increase the population of those regions as to its diminution.

NEW-HAMPSHIRE. In our last paper we inserted the message of gov. Bell to the legislature of this state, as presenting many interesting political views of important subjects. The following report has been made to the senate on one of the matters urged for consideration by Mr. Bell:

"The committee on so much of the governor's message as relates to the powers of congress, touching internal improvements, reports as the opinion of said committee—

That the welfare of the United States depends essentially on a strict adherence to the principles of the federal and state constitutions, which are limited, and can in no case be transcended with safety to the union. To investigate, however, and ex-

pound the principles of the federal constitution and define the authority of congress resulting from it with regard to any of its legitimate objects, would require more time and labor than the term of the present session can afford. But, without reference to the extent of constitutional power in the general government, the committee is persuaded that the application of revenue to the objects of mere internal improvement, or any objects but such as the exigencies of the United States imperiously demand, till the national debt shall have been extinguished or greatly diminished, would be impolitic, and subversive of the true interest of the people. The committee therefore recommend the following resolutions:

Resolved, That it is inexpedient at this time to express any opinion as to the extent of the powers vested in the congress of the United States relative to internal improvements.

Resolved, That the senators and representatives in congress from this state be requested to oppose the application of revenue to internal improvements, or to any object not imperiously demanded by the exigencies of the general government, *till the national debt shall have been extinguished.*

These resolves were passed, and the preamble adopted, without a division.

THE ANNUAL EXAMINATION at the Military Academy at West Point, closed on the first inst. The board of visitors consisted, on this occasion, of gen. Bernard, general Cadwallader, gen. Swift, professor Silliman, col. Totten, and capt. LeConte. Gen. Izard and professor Nolte were also named but did not attend. The five cadets most distinguished in each class, whose names are to be inserted in the army register, are of the following names:

First class.—George Dutton, of Con.; Joseph Mansfield, do.; C. G. Smith, do.; Thomas Ingalls, of N. Y.; and Horace Bliss, of N. H.

Second class.—Alfred Mordecai, of Va.; Reuben Holmes, of Con.; Geo. C. Richards, of N. Y.; Geo. S. Green, of R. I. and S. Southerland of N. C.

Third class.—Dennis H. Mahan, of Va.; Robt. P. Parrot, of N. H.; J. K. Findlay, of Penn.; J. W. A. Smith, of Me. and Nap. B. Bennet, of Pa.

Fourth class.—Alex. D. Bache, of Penn.; Horace Smith, of N. Y.; M. R. T. Harrison, of Geo.; Peter M'Martin, of N. Y. and T. S. Brown, of N. Y.

BANKS OF MASSACHUSETTS. We have the annual table shewing the state of the banks in the commonwealth of Massachusetts, rendered in June last. There are thirty-three banks, many particulars about each of which are stated. We have not room for the table; but in giving what is reported of the first and last banks on the list, a tolerably correct idea may be formed of the general condition of those institutions.

Bank of Massachusetts: capital \$800,000; real estate 29,000; debts due to bank \$1,178,171 59; deposits 326,885 88; bills in circulation 225,425; specie 66,155 79; bills of other banks 54,399; last dividend at the rate of 3 1-5 per centum; deposits in other banks 49,000.

Franklin bank—a country establishment: capital \$50,000; real estate 500; debts due to bank 28,309; deposits 1,910; bills in circulation 37,311; specie 16,411 80; bills of other banks 5,696; deposits in other banks 43,776. This last is said to be specie in the Boston banks.

The banks just named are quite as well, if not much better conditioned than the rest, especially the last. In general, the amount of specie on hand

is less than a fourth, or about a fifth part of the amount of the bills in circulation.

BANK UNITED STATES, July 1, 1832.

To the stockholders of the bank of the United States.

I conceive it to be my duty to announce to you, at this time, that I intend at the end of the present year, to retire from the station with which you have honored me. For reasons which it would be useless, if not impertinent, to mention here, it was my desire to have done so very soon after I entered upon the duties of the office. But I owed it to you and to the country, which was deeply concerned in the fate of the bank, to hold the station until I could surrender it under circumstances which would enable you deliberately and with a full knowledge of the situation of the institution, to choose a successor; and until the bank should be placed in a state in which a change could be made with safety and without alarm. There is, in my opinion, no longer any thing in the situation of it, which can make a change difficult or injurious to the interests of the bank, and therefore no duty on my part to forbear the gratification of a wish I have long anxiously indulged. My determination to retire is fixed and unchangeable, and I have therefore given this early and public notice of it, that you may have full time for the selection of a fit person to succeed me.

You will, on the second of September next, have an opportunity of investigating the affairs and becoming fully acquainted with the situation of the bank. You will, then, too, have an opportunity of conferring with each other on the selection of my successor; and to give the freer and fuller scope to your choice, I will resign my office a few days before the next election of directors, in order that, should you wish to select any member of the present board, who may have served three terms in succession, and, therefore, not be re-eligible, unless he be president at the time, you may use your influence to have him previously elected to that office, and thus rendered re-eligible.

LANGDON CHEVES.

SALT-PETRE. Mr. Baffi, the celebrated chemist, a native of Pergola, in the states of the church, is now here. He has received from the viceroy of Egypt a present of 100,000 crowns and the title of bey, for having discovered a method of producing salt-petre, without the assistance of fire, by the mere heat of the sun. Previous to this, every hundred weight of salt-petre cost the viceroy ten crowns, which is reduced to one crown by the new method. The manufactory erected by M. Baffi, in the great square of Memphis, has furnished, within the last year, 8500 cwt. salt-petre; an Egyptian cwt. is equal to an English cwt. We learn from the same chemist, that the viceroy has sent for 2000 negroes from the interior of Africa, who are at present disciplined according to the European fashion.

Lond. pap.

Imprisonment for debt. Lexington, (Kentucky,)

June 18. The bank of the United States, by their counsel, a few days before the close of the late term of the federal court in this place, moved the court to instruct the clerk to issue on application the writ of *ca sa*, the law of the state abolishing the writ notwithstanding.

The motion for the bank was argued by Mr. Clay, who replied, that, by the constitution, the congress of the United States had the power to regulate the process of the court, and that they had done

so, and read various statutes of the United States on the subject. He however declined an argument, of what would be the effect or mode of the execution of such process under the existing laws.

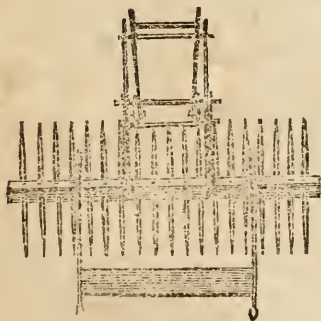
Mr. Monroe argued the question in opposition, and contended that personal liberty and the right of locomotion, as affected or to be affected by contract, was matter exclusively of state regulation, and the state government had as much power to exempt the *person* of the debtor from the creditors, as they had to exempt his *lands*, or the *bed* and other *little furniture* necessary for keeping a family together; the former of which was formerly, and the latter lately, had been exempted from sale. He also replied, that congress had not regulated the process of the court of the United States otherwise, than that they should be such as was used in the state courts, and that all changes made by state authority, operated as a change into the federal courts.

The court overruled the motion—the circuit judge giving it as his opinion that congress had not so regulated the process of the court as to not leave it subject to state legislation. The district judge expressed a decided opinion upon the statutes, but said the usage of the court, since its establishment, having been to regard the state statutes, on the subject of execution, he would not disturb the practice.

Subsequently, by agreement between Mr. Clay and other counsel for the defendant, in one case designed to be embraced in the motion, an adjourned case was made, which will be speedily determined by the supreme court. The question is an interesting one to those debtors who are so unfortunate as to have been sued in this court.

[Commentator.]

PATENT HAY AND GRAIN RAKE.



Messrs. Pennock and Pierce, of Kennet Square, Chester county, Pennsylvania, have lately patented, and used during the last and present season, a horse rake for gathering hay or grain, into wind-rows or heaps, as desired. The plan of this machine is uncommonly simple, and one of them may be made by any rough carpenter, or person accustomed to the use of tools. The price of this rake complete, including the patent right, will not exceed ten dollars, or for the patent right, two dollars only.

We have seen this machine in operation; it does the work quite as well, if not much better, than it is generally performed by the hand rake, and, with one man and a horse, it is believed that it will do the labor of ten or twelve men. Its advantages over the common horse rake are very important, equal to a saving of one half of the time; because, with this rake, the horse proceeds continually on,

the hay or grain being discharged at pleasure, and without any stoppage or impediment; by the means of which facility, also, it passes over any obstruction that may happen to be in a field. The simplicity, utility, and cheapness of this instrument, renders it an object highly to be desired by agriculturists, for its saving of labor in *hay-making* time, when laborers are always so much wanted.

WOOLLEN MANUFACTURES. The following table of the aggregate value of woollen manufactures, exported from Great Britain in the year ending 5th of January, 1822, gives a curious view of the immense extent of the English trade in that article:

Russia	366,128	1	3
Sweden	20	0	0
Norway	8,217	0	7
Denmark	4,737	1	0
Prussia	11,913	15	6
Germany	565,567	8	9
Holland	154,357	1	9
Flanders	117,465	8	6
France	1,205	14	11
Portugal, Azores and Madeira	587,093	19	7
Spain and the Canaries	23,715	19	6
Gibraltar	121,624	10	0
Italy	198,185	13	0
Malta	8,282	0	6
The Ionian Islands	173	6	6
Turkey and the Levant	3,762	0	0
Ireland	934,294	18	5
Island of Man	4,518	12	0
Guernsey, Jersey and Alderney	35,130	15	0
The East Indies and China	1,421,649	16	2
New Holland	14,165	12	4
Cape of Good Hope	43,238	17	9
Barbary and Morocco	2,033	10	0
Coast of Africa	5,509	7	0
United States of America	1,980,475	4	9
British provinces in North Am.	230,044	1	8
British West Indies	180,363	11	1
Foreign West Indies, including re-			
stored colonies	49,848	15	1
The Brazils	322,362	0	6
The Spanish and other colonies on			
the continent of America	224,091	5	0

Total to all parts of the world, £7,395,175 17 2

NATIONAL POLICY. The following is an extract of a letter addressed to the editor, by a distinguished gentleman of one of the middle states. It may do some good to insert it, (though not designed for publication), accompanied with some remarks.

"Your exertions to lead our general government into the adoption of *home manufactures and commerce*, are beyond all praise;—the idea of *free trade*, &c. is but a mere catch-word: we shall not effect it, nor is it desirable; we have an empire at home, and why not *keep* our money and exchange it for the encouragement and supply of our own growers and manufacturers, instead of sending it to Liverpool for salt and crockery, and to China for silks and nankins, and all the rest of our mischievous and wasting trade!

"If our government want *revenue*, let them protect and encourage *our people in their industry*, and then they will not be frightened with *direct taxes*; after all, not so deceptive and unequal as the indirect. But thirty years of an unnatural state of the world, has swept not only the currency of the country into commercial cities and *foreign* dealings, but has created a host of *creatures* whose only creed and interest lie in the circle of banks,

stocks and ships. Banks, bankers, stock-jobbers, shippers, merchants, salary-men, and lastly, the deluded agriculturalists, have *all* put their forces together to rivet on us this baneful and shameful policy. *That*, however, which a wise and provident and *honest* policy could have averted, without any violent or unnatural measure, I mean "dire necessity," will at last resuscitate our country; but experience is a dear school. Had the *double duties only* have been continued in 1815, our country now would have exhibited a scene of universal activity and prosperity; and the *revenue* or the *sources* of revenue, have suffered no diminution. When will our merchants, bankers and shippers, find out that *their true interest* lies in *carrying on* the exchanges of the country, *produced* by its unrestricted industry—I mean restrictions by foreign competition. If our *faculties* had been fairly dealt with, *we* now should, besides supplying our own wants and being *independent*, have occupied the commerce of the South American republics with our manufactures—*surplus manufactures*, which always combine in them the growers and producers, &c. of the raw materials I mean the planters and farmers. But I write and think always on this subject with too much feeling to be quite rational; I beg *you*, however, to go on and *reason*, until even cotton-growers, and China-merchants, and stock-jobbers, and lastly, our deceived *farmers* and even professional men, may be *converted*."

EDITORIAL REMARKS.

It has clearly appeared to my mind, that the people of what has been descriptively called the *grain-growing* sections of the United States, have nearly shaken off their delusions and are prepared to raise up a stable revenue, that a crook of "*Alexander the deliverer's*" finger, or a nod of the head of "*my lord of Londonderry*" cannot impair; but they cannot do this until the consumer is placed alongside of the producer, and a stable market is established. If there is a surplus after the supply of this market, it will find vent without expensive embassies, commercial treaties, and political embarrassments with the powers of Europe; whose interest is opposed to our interest, and whose dispositions and objects are at open war with ours. There is no rightful or natural affinity between republics and monarchies—their purposes are the antipodes of one another.

The home-market is that which every sound statesman mainly regards. We see that it is so much attended to in Europe, as even to prohibit the import of bread, "the staff of life," unless when a semi-famine prevails. England will not receive French grain, though it might be supplied for half the price at which the British agriculturalist can furnish it; and France rejects numerous English manufactures, which, (according to the doctrine urged for our observance), she could much more advantageously buy than fabricate for herself. But when people talk thus they only regard certain amounts of money—pounds, dollars, or francs, which have no more than a relative concern in the matter. The high price of bread to the British consumer, enables the British agriculturalist to pay his taxes to government, and the exclusion of foreign manufactures by France, sustains the market for French grain, and enables both farmers and manufacturers to contribute their several portions of the public expenses. It might be better for the *people* of both countries, if Britain would receive French bread stuffs, and France receive British manufactures in exchange for them; but as the one will not or cannot, the other must not, if just to

itself. "Free trade" is a pretty thing to talk about, and "let us alone" is a very charming catch word, but the former does not exist, and the latter is—just *three small words*, without any practical meaning, in the present condition of the world. But we are the only nation so *wise* as ever to talk about it, or to support our institutions by means as uncertain as the winds and waves: with a revenue fluctuating from nearly *forty* millions to *twelve* or *thirteen*! Hence even our most valuable establishments partake of all the "glorious uncertainty" of the good will or severe wants of *foreigners*.

Foreign commerce has a most imposing character, because its whole amount is added up and we see at once the millions that it amounts to. *It looks large*. But, compared with the home trade, as to any country under the canopy of heaven, it is a mere balance wheel or regulation of the domestic trade, and so far it is important as a part of a grand machine. The population of the British possessions is many scores of millions—say one hundred millions; that of the British islands in Europe, less than twenty; yet the *home trade* of these last amounts to five or six times more than their trade with the other eighty millions of *fellow-subjects*, and all the rest of the people of the world besides!—and it is on this home trade, not on foreign commerce, that Britain depends for revenue. Yes, even Britain, the most commercial nation that ever was known, that ever may exist; regarded with whose colonial and foreign commerce, that of the United States is a trifle, much as we think of it.

The farmers of the United States begin to see the value of their home trade. The consumption of the surplus *cabbages* that one might raise in his garden, by the establishment of a neighboring market for them, would produce as much as his share of a reasonable direct tax would amount to; and he has found it out that the price of commodities consumed is to be valued only by the price of commodities raised or labor bestowed—that there is no such thing as a money-value between him and his comforts; and this is operating on all classes of agriculturalists, not excepting the growers of cotton. So, I hope and believe, that the time is at hand when we shall have a *national* legislation—when the revenues of the republic will depend on its own citizens—when the people will feel the taxes, as they ought, and inquire, as they should, into the manner in which their money is expended—when honest industry will be fashionable, and banking and jobbing be unfashionable—when a rogue will be called a *rogue*—and the fact become manifest, that corporations have no soul, *like the bank of the United States*—the mammoth monster of the whole brood.

It is amusing to look over the debates in the British house of commons, on what is called the "agricultural report"—or the adoption of measures designed to protect the British agriculturalists, and then to think of the zeal with which British agents and traders in the United States urge upon us the right and necessity of *letting things alone*. The impudence of British subjects, on matters of this sort, is intollerable; they recommend that *we* should apply ourselves to agricultural pursuits, and purchase their manufactures—yet, in payment for the latter, they will not receive any thing that is produced by *five-sixths* of the free labor of the United States—they modestly ask us to vex every sea to find a market for that produce, and then throw its product into their hands. What admirable generosity!—wonderful instruction!—The naked truth is, as to commercial matters, on which depends the

revenue of government, we are not much better conditioned than if we were *colonists* and subjects of Great Britain. A vast quantity of the labor of our people is wasted to deposit money at London and Liverpool, to employ British labor,—which, under a sound *national policy, such as every other nation practises*, would be brought home to encourage and sustain *domestic labor*. There is nothing of a *national character* in our revenue affairs, except the item received from the sale of public lands—nearly all the rest is anti-national and injurious to the public welfare. It happens in every country, even in the U. States, *though the people have acknowledged sovereignty*, that the mighty mass of the population are directed and governed by a designing few. Some noble lord, rich office-holder, proud land possessor, village lawyer, chattering shop keeper, red nosed grog-seller, or canting priest—each receiving his *cue* from a superior power and crouching to it like a spaniel under the kick of a master, gives out the *dictum* for neighborhoods, and woe to those who neglect to obey it! The noble lord denounces them as “radicals” or enemies of order; the office-holder calls them grumblers; the land possessor persecutes them; the lawyer prosecutes them; the vender of tapes and bobbins attacks their credit; the whiskey-seller denounces their morals, and the priest sends them outright to his Satanic majesty, so far as he, “*holy man*” can, to be purged of error by doses of brimstone! In putting the priests last, after “publicans and sinners.” I wish that my meaning may be understood—I have reference only to those of *established churches*; who, whatever their denominations may be, I regard as composing the worst sets of men to be found in any country, bands of robbers not excepted.—I speak of their practices, the things that they do, not those which they pretend to teach or affect to believe in, nor in regard to any particular sect. It is thus that whole districts are under the real government of the little tools of the greater tools, of the chief tools, of a cunning and calculating, abominable and profligate few. It is gratefully admitted that there are less of such doings in the United States than any where else, wherein the people are called upon to think and have a right to act—but there is *enough* of deception and delusion among us. False principles are every where inculcated to subvert the interests of individuals, and powerful political movements are made to accomplish private purposes. The disposition prevails all over the world and is every where exerted, to keep down the people, and to mislead them by false doctrines and theories; and it is a common misfortune that many, a vast majority, appear inclined to throw the trouble of thinking on public affairs to public men, aspirants for office, stump-orators and whiskey-inspired declaimers, with glasses in hand. I will not say that this destructive course originates with our general government, because I do not entertain an idea that it does—but much of our legislation goes to the encouragement of political ignorance by enacting or suffering political wrongs, wrapped up in such a manner as to mislead or confound the public understanding. To mention one case—it has been said even on the floor of congress and frequently intimated in state papers, as if the people of the United States paid no *taxes* for the support of the general government, and thousands who are paying them every day, verily believe that they do not pay any—one cent in a year, though their share of the taxes, actually paid, may amount to 50 or 100 dollars per annum! My prayer is that such delusions may pass away;

and every faculty that I possess shall be exerted to dissipate them. If it must be that the laboring many shall continue to be the sport of the unproductive few, “heaven and earth will witness I am innocent” of any participation in this matter.

To return to our British friends, who talk about “free trade,” and say “let us alone.” It is stated in debate, that good foreign wheat can be afforded at *twenty-six shillings per quarter*. The question not being decided, we cannot give its result; but a disposition was manifested to make the *new* equal to *forty shillings per quarter*—an advance of more than one hundred and fifty per cent by way of *protection* (ON THE “STAFF OF LIFE”), in favor of British agriculture! Here is “free trade” and *letting things alone*, with a vengeance! An American may say what he pleases to me on subjects of national policy, and a difference of opinion shall not produce any degree of enmity towards him—but if an English agent, pattern-card carrier or whipper-in, happens to talk about “free trade,” &c. when I am present, he shall soon ascertain the contempt in which I hold his puppyism. The words “free trade,” if uttered by a Briton, as applicable to commerce with his country, is insulting to common sense; for its opposite, of *restriction*, is the Alpha and Omega of British policy. Yet they have gulled us with pretty sounds, while they have carried off our substance and laughed at our stupidity. They have treated us as the sailors do *Boobies* on the coast of Patagonia.

All men and every set of men are supposed to seek their own interest—and the British are not alone interested in preventing a *national system* of revenue, and men combine to produce a common object from motives entirely different. It is the first principle of honest republicanism, that representation and taxation shall go hand in hand—it was the denial of this that produced the American revolution. The fact should be seriously thought on. Like causes produce like effects. Again, every free citizen of the United States is liable to the performance of military duty, or the payment of taxes raised for the defence of property. But from these, one fifth of our whole population are constitutionally or practically exempted, and more than one *tenth part of the power of legislation* is vested in the representation of those so exempted; and the whole is bound to defend this non-fighting, non-tax-paying part. These are things that I do not wish to say much about. The last census gives a lesson to all that none should fail to profit by, and that afforded by the next enumeration will be of a much more imposing character. Let us be wise and just in time. It was a fixed principle with the old congress and in the minds of the men of ’76, that “taxation without representation was tyranny.” If so, representation without taxation, or a liability to defend the country, must also be tyranny. Let the most skillful casuist take up his pen and deny the proposition, or what I regard as its corollary. The foundation of our government is esteemed to be justice, its base is equity, its structure the common welfare. Partial legislation has no *right* in it, and when partial power forgets general right, there will be an end of it. The moral and physical power of this nation rests not with the partial power alluded to. But we trust that the spirit of accommodation which raised up this partial power, will cause the moral and physical power forever to act in concert with it, for the good of the whole. Without pretending to prophecy, I can venture to say that it is essential to the welfare of the republic that these things should be considered. The practice of dividing and commanding is getting into

disrepute—when one interest in our country is as firmly knit together as another interest is, a demand will be made for that which sober discretion should grant ere it is asked; and the demand will be sustained. People should think. "It will do for the present," is an unwise saying. A deferring of the day of trouble only increases the amount of the difficulty to be encountered. The time is close at hand when the cotton grower of the United States will experience all the sufferings which the grain-growers have passed through,—for the quantity raised will exceed the foreign demand, which exists only of necessity; not one pound being purchased on account of good will—there is no friendship in trade. I would a home market for all that we raise, as being the best for all parties,—that our product, in its most improved state, may be sent forth to supply the market of the world and yield us the accumulated profits of agriculture, manufactures and commerce; and the fact is, that the two former united are the only support of the latter, in times of general tranquillity, when every nation carries on its own trade, and will not employ the ships and seamen of others.

FOREIGN NEWS. Though nothing important has occurred, some matters of an interesting character have reached us since our last. The latest London date is to May 22.

Great Britain and Ireland. The king is about to pay a visit to the continent, and will take Vienna and Paris in his tour. The prince and princess of Denmark have arrived in London.

The ministers appear to be engaged in some great financial speculations—like those who buy money on credit, at the rate of $2\frac{1}{2}$ per cent. per month! But the government of Great Britain is not the only one that is—*getting along for the present.*

5,000*l.* a year is the sum paid to the British diplomatic agent in Switzerland!

A cavalcade of about 140 persons, poor agriculturists, passed through Sheffield in the middle of May, for the United States, carrying with them their bedding, clothing, provisions, &c.

The merchants and traders of London have petitioned parliament against the opening of the West India islands to the American trade—"Let us alone!"—"Free trade!"

The case of the starving people of Ireland still claims first attention in England. In some cases they have raised the seed sown for the next year's supply, for present sustenance. The archbishops of Canterbury and York, who each receive about 10,000*l.* annually of the people's money, have nobly given 100*l.* a-piece for the relief of the Irish poor.

The hospitals cannot contain the Irish patients, suffering from the typhus fever, in consequence of a want of food. Many instances had occurred of the eating of the carcasses of cows, which had died of starvation!

France. A French ship, with 130 slaves on board, has been captured by the British vessel of war *Menai*, off the island of Zanziboo, and sent to the Isle of France.

When the election of deputies came on at Lyons, much "sedition" manifested itself, and it was with no small difficulty that a large military force restored "order."

The abbe Sicard, who has conferred more good on the human race than all the Bourbons and Guelphs that ever lived, died at Paris on the 10th of May, aged 80.

Spain. It is stated that 73,000 priests are to be dismissed to make their livings in an honest way, and 123 priories, &c. suppressed. The saving to the people is moderately estimated at \$23,000 per day! The cortes have passed a law authorizing the king to banish refractory bishops, and confiscate their livings. *Good.*

The Canary Islands are in a state of much fermentation; the natives talk of declaring themselves independent.

It was expected that the dey of Algiers would declare war against Spain—the tribute paid having fallen short of the sum required.

The press is so free in Spain, that the circulation of Spanish newspapers is prohibited in France.

Portugal. The Buenos Ayrean or *Artigan* corvette *Heroine* has been condemned, and her officers and crew treated as pirates.

The cortes has conferred on the government, for one month, the extraordinary power of removing officers or private individuals from one place to another in the kingdom, without previous trial, whenever it may deem it necessary for the preservation of tranquillity. The Portuguese editor remarks, that, between ruin and salvation, the choice cannot long be doubtful.

Germany. The deputies of the duchy of Baden have at last thought it necessary to say to England, France, &c. *if you will not buy our merchandise we cannot buy yours: as you lay a duty upon our commodities, so will we lay a duty upon yours.*

Russia. It is positively stated that the emperor has left St. Petersburg to join his armies on the Turkish frontier—but what he intends to do is as mysterious as ever.

It is said that an order has been received in London from St. Petersburg, for the supply of four hundred thousand muskets for the Russian armies.—Verily, verily, the "deliverer" will deliver some of his friends yet.

Turkey. The people of the rich island of Scio, (which contains about 100,000 inhabitants), assisted by those of Samos, have defeated the Turks and driven them into the fortress, which, it appeared, could not hold out long. The Turks had behaved so inhumanly to the people, that it seemed probable every one of them on the island would be put to death, if taken. These proceedings had caused much feeling at Constantinople.

There is an account of a dreadful battle that took place at Thermopylae. Mahomet Ali, or Pacha Bey, at the head of 8,000 infantry and 4,000 cavalry, intending to pass into the Peloponnesus, was met by the guerillas of Agrappa, who obstructed their march one day. This afforded time for Ulysses to come up, when a general fight took place, which resulted in a glorious victory over the barbarians—5,000 were left slain on the field of battle, among them the pacha—three other pachas and 9 pieces of cannon fell into the hands of the Greeks.

The Greeks had also assaulted the entrenched camp at Patras, and, after much slaughter of their enemies, captured 40 pieces of cannon. It was believed that the Turks would soon surrender.

In many other affairs the Greeks appeared to have succeeded—and in no case is it stated that the Turks have lately been victors.

The plague is making great ravages at Constantinople. Many 'Europeans' had fallen victims to it.

The British protector of the Ionian Isles has assumed the right to command, and has commanded, the Greek admiral in those seas, not to enter the channel of Corfu—but the "holy" allies, the Turks, go whithersoever they please.

A vessel has arrived at Toulon with intelligence that the Greeks were besieging the Turks in the Acropolis, at Athens, and it was feared that many of the noble works of art in that city would be destroyed. The Parthenon, (Temple of Minerva), has been demolished. The French admiral had succeeded in saving some of the beautiful bas-reliefs which adorn the celebrated lantern of Demosthenes.

India. We have horrible accounts of the ravages of the cholera morbus through India generally—150 persons die daily at Bassora, among whom are the principal merchants, &c. The Arabian coasts seems almost desolated by this disease—40,000 persons had died in the province of Oman; and 10,000 perished at and in the neighborhood of Muscat in 10 days.

Haiti. The *Moniteur*, at Paris, has published an explanation respecting the affair of Samana, in St. Domingo. The paper states the facts of the case to be, that some of the French vessels stationed in the West Indies repaired, at the request of the French residents in Samana, to assist them in their escape, and afford them an asylum in case of need. It is positively denied that troops were landed, the white flag hoisted, or any hostile act whatever committed.

Cuba. The interior of this island is represented as being in a very disturbed state—yet, the regiment of Catalonia has been sent from Havana to reinforce the garrison of the castle at Vera Cruz. 400 royal troops who had been captured when the attempt was made to recover Maracaybo, had arrived at St. Jago.

During the month of May, 155 vessels arrived at Havana—75 American, 60 Spanish, 13 English, &c.

Colombia. The royalists still occupy Porto Cavello, and there seems no present prospect of dislodging them. In many cases, their operations are offensive, and reinforcements were expected by Morals. He has lately gained some important advantages in the neighborhood of Coro, having completely routed the patriots, who lost, in all, about 600 men, great quantities of supplies, 500 new muskets &c. &c. The Spanish loss was 97 killed and wounded. An English colonel, in the service of the republic, was killed.

Mexico. That Yturbe is called emperor is amply confirmed; but the belief is repeatedly expressed that he will retire from his dignified station as soon as the emancipation of his country is fully effected. He is very popular—the people repose the utmost confidence in his love of freedom. May they not be disappointed! They say that he will follow the great example of Washington.

Diplomatic Controversy.

MR. RUSSELL'S REPLY TO MR. ADAMS.

It was not until the 30th ult. that I received a copy of the communication which had been made by the president to the house of representatives, on the 7th of that month. This communication consists of a letter which I had written from Paris on the 15th of February, 1815, and addressed to the then secretary of state, of a paper left by me at the department of state, on the 22d of April last, and of the remarks of Mr. Adams on both. I say on both—for, notwithstanding that the report of Mr. Adams to the president speaks only of his remarks on the paper deposited by me at the department, as just mentioned, yet a considerable portion of those remarks apply to the letter received at that department in 1815. The message of the presi-

dent of the 4th ult., indeed, evidently consider the contemplated report of Mr. Adams to be confined to that letter only. It is apparent, from the whole tenor of that message, that the letter which Mr. Monroe received from Paris, was alone the document called for, and to be communicated to the house. I was surprised, therefore, on receiving the printed documents, to find that either more had been called for on the 6th, or, without being embraced by such call, had been communicated on the 7th of May, than had been signified by that message.

I had left Washington on the 5th, in the belief that, at so late a moment of the session, no call, in reference to that message, would be made, or, if made, that it would produce the letter only received from Paris, with the corresponding report of the secretary of state. My surprise was not diminished, when, on reading the remarks of Mr. Adams, I discovered that they mainly owed their existence and character to a paper which had been considered not to be the paper called for, and which had been obtruded on the house, after my departure, at the special instance of Mr. Adams himself, and to afford him an opportunity of giving another specimen of his taste and temper to the public.

Mr. Adams, on the 6th of May, the very next day after my departure from Washington, went to the house of representatives, and there, in person, sought for a member who would consent to make the call which was necessary for the official publication of his *personal* remarks. To one member from Massachusetts, at least, he had applied in vain, before he finally succeeded in his object. It would seem that the evidence furnished by these facts ought to have been sufficient, at least, to deter him from accusing others of "a wanton promulgation before the legislative assembly of the nation."

For the previous calls, whatever might have been the motive for making them, I am not responsible. With the gentleman who made the call on the 17th of January, for the correspondence which led to the treaty of Ghent, not already made public, I had not the least personal acquaintance at the time, nor had I, before that call was actually made, the slightest intimation, directly or indirectly, of any intention of making it.

In an interview with Mr. Adams, at his house, a short time afterwards, he said, in reference to that call, that a letter had been found from me, in the archives of state, which might be considered to be embraced by it. He desired to know if I was willing to have it communicated. I replied that I had no distinct recollection of the letter to which he alluded, and that I wished to see it before I gave my consent to its publication. He acquiesced, and I repaired accordingly to the department of state. I found the letter to which Mr. Adams had referred, to be that which I had written at Ghent, on the 25th of December, 1815, and which announced the fact of my having been in the minority on the proposition relative to the navigation of the Mississippi and the fishing privilege, and intimated my intention of communicating the reasons which had influenced my conduct on that occasion. I could perceive no good cause why I should object to the communication of such a letter, and I consented that the part which related to the subject just mentioned, should, with the approbation of Mr. Adams, be communicated. Mr. Adams, at that time, expressed no dissatisfaction that I had written such a letter, nor made any comment on its contents. This is all the participation which I had, directly or indirectly, with the call of the 17th of January.

The member who had made that call, made also the call of the 19th of April. This second call was obviously occasioned by the extract of my letter of the 25th of December, 1814,* above mentioned, which the first call had brought forth. To that member I had never communicated, by transcript or otherwise, the contents of my letter written at Paris, for which he called. I had refused to others any account or copy of that letter, for which they had applied to me, as I believed, for publication. As a reason for thus refusing, I uniformly assigned the necessity, in my opinion, of the previous consent and approbation of the constituted authorities for the regular publication of a letter, written by me while in the public service, to one of those authorities and in relation to that service.

All the participation which I had in this call was, to leave at the department of state, in consequence of an application from that department, the paper which has since been published as a duplicate. The simple facts are these:—On the morning of the 20th of April, a gentleman, employed in the department of state, called on me at my lodgings and inquired if I could furnish a duplicate of the letter which had been called for. I intimated a reluctance to communicating any thing as a duplicate. He observed, that it need not be presented as such to the house, but wished to have it so presented to the department. This is, in substance, what was said on that occasion.

On the 22d, I called at the department of state—Mr. Adams was not there—and I left the paper with the gentleman who had applied to me for it. The word "duplicate" had, indeed, been written on it, in consequence of his suggestion as above stated; but I gave no further intimation, much less any assurance, that it was so. He made no inquiry, and I made no comment. I observed merely, that I left it for the examination of Mr. Adams; and that I was indifferent whether it was communicated under the call of the house or not, as the letter called for; but, if *not so communicated*, I expressed the expectation that it would be returned to me. He received it accordingly.

A few days afterwards I again visited the department of state, and was again so unfortunate as not to find Mr. Adams there. I saw, however, the gentleman with whom I had left the paper, and learnt from him, that, as it had been dated, as he supposed

by mistake, in 1822, he had taken the liberty to correct it, by inserting 1816. I made no objection, but repeated my expectation, that, if it should not be deemed proper to use it for the purpose for which it had been delivered, it would be returned to me.

I made a third visit to the department of state, on the 2d of May, if I remember correctly. Mr. Adams was then in his office, and, in passing thither, I learned from the gentleman who had received the paper delivered by me on the 22d, that it had undergone another alteration in its date, and that 1816 had been made to give place to 1815. This last alteration was, it seems, found necessary to make the paper agree in date with the letter received from Paris, which had at last been found, and thus to be able to use that paper, with a better grace, as a duplicate, and to abuse it with the more confidence for its variation from that letter. The *corrective power*, assumed, appears to have been limited accordingly.

Mr. Adams soon spoke of the paper which I had left, on the 22d, and had not proceeded far without complaining of its difference from the original, which had been found. This circumstance he affected to consider particularly offensive. In vain I represented that the difference between the two was not material; that neither was personal or accusatory; that both were merely defensive; and that I was willing that either or neither should be communicated, as he might judge proper. I soon perceived that it was too late to offer explanation with a prospect of success. He was not in a humor to listen to me even with civility; the manner in which he treated the business, destroyed in me even a wish to conciliate or appease him.

I have stated these facts principally to show, that the paper was left at the department of state, not on my own proper motion, but that it was left there on the application, and marked duplicate at the suggestion of a person belonging to that department, and possessing the confidence of Mr. Adams. Such an application was altogether unexpected by me, and was made without any previous intimation, suggestion, or encouragement, on my part; and had it not been made, that paper would never have been left at the department of state, nor in any other manner presented to the public. Having twice failed in my attempts to see Mr. Adams, I had no opportunity of offering those explanations which the case appeared to require, until it was too late to offer them.

I considered it an act of frankness to place the paper, when thus applied for, whatever might be its merits or defects, in the power of the person who might consider himself the most liable to be affected by its publication. In this act there was certainly neither secrecy nor concealment to offend him. He had the sole power to publish it or not, as he might judge proper, and to consult his own feelings and interests in forming his decision. When a *private letter*, written solely for the vindication of my own conduct, to those to whom I was immediately responsible, was asked of me, by a person known to be under the orders of the secretary of state, for the purpose of presenting it to the public, a tribunal for which it had never been intended, and to which it ought not to have been presented without my consent, I certainly did believe that I was permitted to make those corrections of the copy in possession, which appeared to me to be proper to exhibit my case most advantageously before that tribunal. I the more confidently entertained this opinion, as the paper was not to be there

*The following is the extract alluded to.

Extract of a letter from Jonathan Russell, esq. to the secretary of state, dated at Ghent, 25th of December, 1814, and communicated to the house of representatives, by the president, on the 21st of February, 1822.

"My necessary occupation, at this moment, in aiding my colleagues to prepare our joint despatches, puts it out of my power to furnish you with any details or observations exclusively my own.

As, however, you will perceive by our despatch to you of this date, that a majority only of the mission was in favor of offering to the British plenipotentiaries an article confirming the British right to the navigation of the Mississippi, and ours to the liberty as to the fisheries, it becomes me, in candor, to acknowledge that I was in the minority on that question. I must reserve the power of communicating to you, hereafter, the reasons which influenced me to differ from a majority of my colleagues on that occasion, and if they be insufficient to support my opinion, I persuade myself they will at least vindicate my motives."

exhibited without the previous examination and consent of the adverse party. Such were the views with which it was unreservedly confided to Mr. Adams. But he communicated my private letter, as the paper called for, and, with it, he disingenuously communicated the paper entrusted to him, not as the paper called for, but as a convenient vehicle for passionate invective and intemperate personal abuse against me. If justice, or even decency towards me, presented no obstacle, still I should have believed, that a respect for the representatives of the people of the United States, would have at least been sufficient to have deterred him from so rude and irregular a course of proceeding.

His first remark on what he ostentatiously presents as a *duplicate*, is, that the letter written at Paris, "although of the same *general purport and tenor*, with the so called duplicate, differs from it in several highly significant passages." He presents, as an example, a parallel extracted from the two papers. He deduces from this parallel, the contradiction, that *I did believe*, in the one paper, and that *I did not believe*, in the other paper, that we were permitted, by our instructions, at Ghent, to offer a stipulation for the navigation, by the British, of the Mississippi. So far, however, from the parallel passages exhibiting such a contradiction, they contain, within themselves, the evidence of their consistency with each other.

The original letter refers exclusively to the instructions of the 25th of June, 1814, (*a*) on which the majority, in the despatch of the 25th of December, of the same year, solely relied, when they said, "our instructions had forbidden us to suffer our right to the fisheries to be brought into discussion, and had not authorized us to make any distinction in the several provisions of the 3d article of the treaty of 1783."

The duplicate also refers to the same instructions, and perfectly agrees, so far as it does refer to them, with the interpretation of them in the original letter.

The original letter says,
"The majority believed themselves to be permitted to offer a very explicit proposition, with regard to the navigation of its principal river. *I believed with them that we were so permitted, and that we were likewise permitted to offer a proposition relative to the fishing liberty," &c.*

The duplicate says,
"The majority believed themselves to be permitted, their own construction to the contrary notwithstanding, to offer a very explicit proposition with regard to the navigation of its principal river; now this offer I considered, for the reasons just suggested, *not to be a violation of the instructions in question," &c.*

Instead of any contradiction or inconsistency, there is here a perfect accordance in the sense of the two papers, in relation to the instruction of the 25th of June.

I will here observe that my letter, written at Paris, in 1815, was as may be readily ascertained, confined to a discussion of the grounds which the majority assigned or suggested, in the despatch of the 25th of December, for the offer of the navigation of the Mississippi for the fishing privilege. To justify my own conduct to my government, in opposing that offer, I believed that it would be sufficient, at the time, to show why the reasons of the majority had not satisfied me. In preparing the paper which I left at the department of state, I believed it to be proper, for the causes already sug-

gested, to assign, for my justification, an additional reason which had influenced me in the course which I pursued, at the time. The paper, therefore, says, in speaking of the offer "but I considered it to be against the letter and the spirit of our instruction of the 15th of April, 1813." (*b*)

Mr. Adams, in his remarks, admits, at least by implication, that "the letter and the spirit" of this instruction was, indeed, against that offer, when he resorts for a release from the obligation of observing it, to other instructions, of the 19th of October, 1814, which, he says, were received on the 24th of the following November, authorizing the *status ante bellum* as a basis of negotiation. He evidently means to insinuate if not to assert that, in consequence of the basis, thus authorized, the American mission discussed the proposition, relating to the navigation of the Mississippi and the fishing privilege, on the 28th and 29th of November, and, as a result of that discussion, offered it on the first of December to the British ministers.

This statement is incorrect. The sense of the mission was not distinctly taken on the 28th and 29th of November, in relation to this proposition, nor did any majority, at that time, agree to offer it.

The following is the real history of the transaction:—

On the 24th of October, we addressed a note to the British ministers and repeated a request already made to them, that they would communicate all the other specific propositions, (the preliminary article proposed by the British government having already been accepted by us) offering a simultaneous exchange of projects by both parties. The British ministers, by their note of the 31st of that month, declined complying with this request, saying that they had already by their note of the 21st of that month, communicated to us all the points upon which they were instructed to insist. After the receipt of this note, we met together every day, I believe, in order, first, to decide if we should present, on our part, a complete project to the British ministers without insisting on a simultaneous one, on theirs, and then, after having decided to do so, to prepare and digest this project, until the 10th of November, when it was presented. During this period the proposition in question, after having been repeatedly and thoroughly discussed, was carried, as a part of the project, in the affirmative, by a bare majority. Mr. Clay and myself having uniformly opposed it.

After the majority had thus decided on making the proposition just mentioned an article of the contemplated project, the dissatisfaction of the minority at this decision, especially of Mr. Clay, who declared that he would sign no treaty of which such an article should make a part, induced the majority, particularly the gentleman who is now no more, to relax in their adherence to it, and to consent to present our project without such an article. Instead of such an article in the project, or, as Mr. Adams himself avows, as a substitute for it, the paragraph, justly ascribed by him to Mr. Clay, was inserted in the note of the 10th of November.

That this proposition had been decided on, before the 10th of November, is not only to be inferred from the avowal of Mr. Adams, just mentioned, that a substitute for it had been inserted in our note of that day, but is expressly proved by the following extracts of two letters which I addressed, at the time, to the American minister at Paris.

The first is dated at Ghent, the 4th of November, 1814, and says,

"If we adhere to the understanding which we now have, we shall make the *status ante bellum* a *sine qua non*. The question which most perplexes us is the fisheries, and we have not yet decided on the mode of proceeding, in relation to it. They have told us that the liberty of taking, drying and curing fish within the exclusive jurisdiction of Great Britain will not be continued to us without an equivalent; we cannot relinquish this liberty, and we cannot offer territory as an equivalent. Shall we then offer the free navigation of the Mississippi, which they apparently suggested with this view. I think this will be carried in the affirmative, although I have very serious objections to the measure."

The other letter was dated the 20th of November, 1814, and says as follows:—

"Without having been deceived relative to the disposition of the majority, on the subject of the free navigation of the Mississippi, I am happy to inform you that this disposition was not inflexible, and we finally transmitted our project without the article that had at first been carried." 'This article was as follows:—

"The right and liberty of the people and inhabitants of the United States to take, dry and cure fish in places within the exclusive jurisdiction of Great Britain as recognized (and secured) by the former treaty of peace; and the privilege of the navigation of the Mississippi, within the exclusive jurisdiction of the United States, (as secured to the subjects of Great Britain by the same treaty) are hereby recognized and confirmed."

"Besides the objection to such an article which had occurred to you and which had not escaped us, the blending of the two points together and making them mutually dependent on each other, which was not done in the treaty of 1783, made this article the more objectionable."

From these facts it is manifest that the solution afforded by Mr. Adams for the "difference in my mind between the writing of the original and the duplicate" is not correct. A despatch, received on the 24th of November, could not well have had any influence on my reasons for opposing a measure, previous to the 10th of that month.

I have accused no one of acting against instructions, but surely I ought not to offend if I discovered a disposition to act, as far at least as might be expedient, in conformity to my own construction of them.

Mr. Adams, when I last saw him at the department of state, showed me, on record, an instruction to the American ministers at Ghent, dated the fourth of October, 1814, apparently with a view to freshen my memory in relation to our dispensation from the obligation of observing the instruction, which I had alleged as a cause for opposing the proposition, with respect to the Mississippi. I had not proceeded far, however, in its perusal, before Mr. Adams interrupted me by saying that he believed it had not been received at the time, adding, after a momentary pause, that he did not know if it had ever been received. The instructions of the 4th of October, which had never been received, had just as much influence on the discussions of the mission, previous to the 10th of November, as a letter of the 19th of October, which was not received until more than fourteen days after those discussions had taken place.

It may not be improper to remark here that an instruction received on the 24th of November, authorizing the *status ante bellum*, although highly satisfactory as it regarded the past, could not well,

considering what had already been done, have had much practical effect on the future negotiations. On the 10th of that month we had, in substance if not in name, already proposed that basis in opposition to that of the *uti possidetis*, urged by our adversaries. In our note to them, of that date, we offered, with a sufficient precision, the *status ante bellum*, when we said that the undersigned "cannot agree to any other principle than that of a mutual restoration of territory, and have accordingly prepared an article founded on that basis. They are willing even to extend the same principle to the other objects in dispute between the two nations; and in proposing all the other articles, included in this project, they wish to be distinctly understood, that they are ready to sign a treaty placing the two countries, in respect to all the subjects of difference between them in the same state they were in at the commencement of the present war, reserving to each party all its rights, and leaving whatever may remain of controversy between them, for future and pacific negotiation."

Besides, the proposition to which I objected before the 10th of November, and which was substantially that first offered on the 1st of December, was not, in my opinion, authorized by the *status ante bellum*.—I distinctly stated, in my letter, that the revival of the British right to navigate the Mississippi would be under existing circumstances, a new and complete grant to her, &c.—And, in another place, "In thus offering the navigation of the Mississippi and the access to it through our territories, as an equivalent for the fishing liberty, we not only placed both on ground entirely different from that on which they respectively stood in the treaty of 1783," &c.

The meetings of the American mission on the 28th and 29th of November were not in consequence of the despatch received on the 24th of that month.—They were convened for the purpose of discussing "the alterations and suggestions" of the British ministers on our project which they had returned to us on the 27th, with an explanatory note of the 26th. Whatever might have been said at these meetings in relation to the Mississippi, on account of the alteration respecting it made in the 8th article of our project, by the British plenipotentiaries, no new resolution was there taken by the American mission to offer the navigation of that river for the fishing privilege. This offer was made on the 1st of December, in virtue of the vote taken before the 10th of November, and which, although suspended, had not been re-considered or cancelled. I am the more confident in this statement, as I distinctly remember that when that offer was actually made, it was unexpected by a majority of the mission.—Mr. Bayard, in returning home from the house of the British ministers where the conference of the 1st of December had been holden, very explicitly declared to Mr. Clay and to me, his dissatisfaction that this offer had been made without his having been recently consulted in relation to it. I dare, in regard to these facts, to appeal to the recollection of Mr. Clay in confirmation of my own.

The explanation which I have given, will, I trust, be sufficient to show that there could have been no impropriety in stating, at any time, the instructions of the 15th of April, 1813, as furnishing an objection, at least during the first days of November, to a proposition to revive or continue to Great Britain a right to the free navigation of the Mississippi—a river within our exclusive jurisdiction. As this was the only topic, in the paper left at the department of state, which was not in the let-

ter received from Paris, which could by the most sickly imagination, be strained into an attack upon others, I shall take but little notice of the remarks of Mr. Adams in relation to the remainder of that paper.

The opinion which I there suggested, concerning the cause of the rejection of our proposition by the British ministers, was an opinion formed soon after that event, and I mentioned it to several persons, particularly to the American minister at Paris, at or about the time my letter was written at that place. A "trust in God and the valor of the west" for the disappointment of our enemies, was naturally suggested, at the time, by a pious and patriotic confidence in those who were able and might be willing to defend us, and certainly had nothing in it of prophecy. It was evidently more wise to place a trust there, than *instinctively* in the fish of the east, which were swimming in British waters. Nor was there any semblance of prediction of the treaty of 1818, in a belief that the fishing privilege might thereafter be obtained, by negotiation, without any *extravagant equivalent* whatever," as that belief was not only suggested by the nature of the case, but authorized by the explicit offer made by the British ministers, on the 10th of December, 1814, thus to negotiate and to grant that privilege in consideration of a *fair equivalent*. By the measure of Mr. Adams, *no extravagant equivalent* is precisely equal to *no equivalent at all*.

As to the sentiment which I expressed in favor of the fishermen, immediately interested in that privilege, it is a sentiment always and every where felt by me, and could not be expressed out of time or place.

Thus much for the important differences, between the private letter received from Paris and the paper left at the department of state, which have afforded such an ample field to Mr. Adams for the display of the enviable attributes of his head and heart.

I shall now make a few brief observations on the principle charges which he exhibits against me, of inconsistency and misrepresentation.

The principle, that the treaty of 1783 was not, on account of its peculiar character, abrogated by the war, Mr. Adams not only *re-asserts*, but alleges to have obtained, when first suggested by him at Ghent, the *unanimous* assent of the American mission. The proof of this allegation appears to be inferred from the signature, by all that mission, of a note, to the British ministers, of the 10th of November, in which that principle was partially adopted. It has already been seen, even from the avowal of Mr. Adams himself, that the paragraph, offered by Mr. Clay, admitting that doctrine, was a *substitute* to a proposition which the minority had opposed. To adopt, partially, *in the spirit of compromise*, a doctrine, as a pretext, to preserve the fishing privilege and to get rid of a proposition confirmative of the British right to the navigation of the Mississippi, cannot fairly be considered as an unanimous acknowledgment by the American mission, of the orthodoxy of that doctrine. The constitution of the United States was, avowedly, the result of compromise, and thence some, at least of those who signed that instrument, must necessarily have subscribed to provisions which they did not desire, and to opinions which they did not approve. The inference of Mr. Adams is, therefore, not correct. I do not recollect, indeed, that any member of the mission, excepting Mr. Adams himself, appeared to be a

very zealous believer in that doctrine.—Even Mr. Gallatin, in his separate letter of the 25th of December, 1814, (c) speaks only of this doctrine as one that had been *assumed*. Sure it is that the minority consented to admit that doctrine as an expedient only to prevent the proposition, already decided on by the majority, from constituting an article of our project. So far and no farther were the minority willing to go in adopting that doctrine, but whenever it was proposed to sanction the British right to navigate the Mississippi, they uniformly resisted it.

Mr. Adams also asserts that the proposal confirming the British right to the navigation of the Mississippi, and ours to the fishing privilege, was made not by a *majority*, but by the whole of the American mission, and refers to the protocol of the conference of the 1st of December, at which that proposal was, at length, made, and to our note of the 14th of that month, signed by all the American mission, which said that "to such an article *which they viewed as merely declaratory*, the undersigned had no objection, and have offered to accede."

If he had referred at the same time to the despatch of the 25th of December 1814, (d) he would there have seen that in fact, a *majority* only, and not the whole of the mission, decided to make that proposal. The words of the despatch, in reference to that proposal, are "to place both points beyond all future controversy, a *majority of us* determined to offer an article confirming both rights." Mr. Adams signed that despatch, and thus, at that time, attested a fact which he now positively denies.

The protocol was a mere record of the facts, which had occurred at the conference, and in no way, furnished proof that a proposition there made, had or had not been previously decided on *unanimously* by the mission, making it. The protocol of the 1st of December stated, that the proposal in question had been offered by the American mission, and the note of the 14th of that month, simply recognized that fact. Neither that protocol, or that note intimated that this proposal had been *unanimously* offered by the American mission.—The majority who were competent, before the 10th of November, to determine on making that proposal, were equally competent to make it on the 1st of December, and to say on the 14th of that month, that they had made it, and that "to it they had no objection, and had offered to accede." The minority, in not expressing their dissent at that conference, or by not refusing to sign that note, cannot be fairly adjudged to have inconsistently given their assent. They had opposed that proposal when and where only their opposition could have had a beneficial effect and produced no evil. To have disturbed a conference with the British ministers, by protesting against an act of the majority, or to have refused to sign a note from an objection to that act, could have produced evil only. It would have discovered, to the adverse party, dissension in our councils, and, thence might have had a disastrous effect on the whole negotiation. In relation to the proposal itself, such a discovery, to that party, of our opposition to a particular proposal, was calculated to enhance the value of that proposal in their estimation, and to induce them to accept it—thus consummating the very evil which we deprecated. The act of the majority was, in respect to the other party, the act of the whole.—And Mr. Adams, himself, acknowledges that "it would have been equally valid with,

out my concurrence or signature as with it." In his opinion, therefore, it would have been useless, and in mine, for the reasons just stated, it would have been highly mischievous to have notoriously refused my acquiescence in the will of the majority. For what is called *assent concurrence*, and joining in the offer, was merely an acquiescence in that will. For such an acquiescence I have long since accounted to my conscience, and now cheerfully account to my country. By the principles of our institutions, the minority, though free to disapprove the acts of a majority, are bound to submit to them. If Mr. Adams does not agree with me in this view of the rights and duties of a minority, he will only present another instance in which we differ from each other in opinion.

I did not give a *silent vote*, which Mr. Adams says, "it may be I did" after having said, that I concurred with Mr. Clay in opposing it. "I did entertain, and express at Ghent, the opinions disclosed in my letter;" and, if I did not disclose them "to the same extent," I did state them with sufficient precision and perspicuity to entitle them, to all the consideration which they might deserve.

Mr. Adams charges me with ascribing to my colleagues, opinions which they never entertained, arguments which they never advanced, and doctrines which they not only would disclaim with indignation, but diametrically opposed to those which they did maintain. Let it be remembered here that my letter received from Paris, was confined in justification of my conduct, to combating the opinions, arguments, and doctrines of the majority, which, in the despatch of the 25th of December 1814, (*d*) were stated by them, or at least by Mr. Adams, for that despatch was drawn up by him. Mr. Gallatin, indeed, in his separate letter of the same date, (*c*) does not go to the same extent. He merely states the *assumption* of the peculiarity of the treaty of 1783.

To support this charge Mr. Adams says, I impute to my colleagues an opinion, that the independence of the United States was derived from the treaty of 1783.

In what part of my letter he finds such an imputation, I am at a loss to discover. In contending against any peculiarity of that treaty, I simply said "I could not believe, that the independence of the United States was derived from the treaty of 1783." Without admitting such a derivation of our independence, I could not perceive, indeed, any ground for the peculiarity ascribed to that treaty; for a mere recognition of a *prior right* furnished none—no other treaty, containing such recognition, having been considered as possessing it. In denying such a derivation, although fairly inferable from the doctrine of Mr. Adams, I charged no one with believing in it, but I removed the only foundation, as I conceived, on which the doctrine of Mr. Adams could be supported—and, now, in disclaiming that foundation, unless he can show a better, he virtually renounces that doctrine.

He says, also, that I impute to my colleagues "that they rested their claim to the fishing privilege on prescription;" but, he adds, that "as the settlement of the colonies, themselves, had not been of *time immemorial*, it was not, and never was pretended to be a title by prescription." This appears to have been a recent discovery. In the letter of the 25th of Dec. above mentioned, it is said "this liberty, then (1783) no *new grant*, but a mere recognition of a *prior right* always enjoyed." And again, in the same letter, "without adverting to the ground of *prior* and *immemorial* usage," &c. If I erroneous-

ly inferred from these passages, that a title was claimed from prescription, my error I trust, will be considered a venial one. Mr. Adams can undoubtedly explain, what he meant by "a *prior right* always enjoyed," and by "the ground of *prior* and *immemorial* usage." He did not mean, it seems, any thing like prescription. Is he quite sure, that in discussing this privilege, while in England in 1815 or 1816, he never set up a prescriptive title, or a title from immemorial usage.

Mr. Adams, likewise, asserts, that I represented "the offer of an article, granting to the British the right of navigating the Mississippi as an *equivalent* for the fishing privilege in British jurisdiction." I certainly believed it might have been so interpreted, even in its *original* form; and that, if so interpreted, it could be made to mean more than would be meant by a simple continuance of that right, and of that privilege as they stood *independently* of each other, in the treaty of 1783. That the navigation of the Mississippi was, at last, offered, not under the principle of Mr. Adams or the *status ante bellum*, which thus far were the same, but as an *equivalent*, sufficiently appears from the documents, notwithstanding the *subsequent* intimation that "we considered that offer as *merely declaratory*." Besides, Mr. Gallatin in his separate letter of the 25th of December, says, "if the right must be considered as abrogated by the war, we cannot regain it without an *equivalent*." We had none to offer but the recognition of the right to navigate the Mississippi, and we offered it."

I have now, I trust, satisfactorily explained the inconsistencies and *tissue of misrepresentations* with which Mr. Adams has with so much dignity and propriety charged me. To whom inconsistency and misrepresentation can be justly imputed, an impartial public is left to decide.

With regard to what is considered so serious an offence, my not having shown my letter written at Paris to my colleagues, at the time, I will merely observe that the majority had already, in the despatch of the 25th of Dec. (*d*) given their reasons for the affirmative, without taking any notice of the reasons on which the minority supported the negative. I believed it just therefore to account for my conduct, by stating my objections to the reasons assigned by the majority, and to these objections my letter was confined. I imputed to the majority nothing which they had not alleged for themselves. Their case was before the government on their own showing, and I did not believe that there was any obligation to consult them on the case of the minority. To the only member of the mission who had a direct interest in that case I did show *at the time*, the letter written at Paris. I certainly was not aware of the propriety or etiquette of communicating a private or separate letter to my colleagues, particularly as their private or separate letters had not been communicated to me. That they did occasionally write such letters is not only probable, but the letter of Mr. Gallatin of the 25th of December, furnishes proof in point. That letter of Mr. Gallatin was never shown to me, and I certainly never felt myself aggrieved because it was not, although he stated in it the grounds on which he had acted as one of the majority.

I here most solemnly protest, as Mr. Adams appears to believe a protest to be necessary to prove sincerity, that nothing which I have written was directly or remotely intended to impute either weakness, absurdity or treachery to the majority, and to infer such an imputation from my letter, would

seem to require a mind distorted by passion, and "a jealousy that discolours every thing."

There was a difference—and I believe an honest difference, of opinion between me and some of my colleagues, on certain points, and if I felt it to be my duty to act according to my own, I certainly had the right to state the grounds of my opinion to those to whom I was immediately accountable for my conduct. In doing this, I accused no one—and if in endeavoring to prove that my opinion was correct, I implied that the opinion of those, who differed from me, was incorrect, I did no more towards them, than what, from the very nature of the case, was indispensable, or than what they, in defending their opinion, must necessarily have done towards me. Mr. Adams, indeed, goes much further. He appears to believe that self-vindication cannot be separated from reproach. In a conscientious difference of opinion between fallible men, who reason but to err, there can be no just cause for reproach—but a pretended difference of opinion between infallible men, must necessarily imply wilful error somewhere. I do not pretend to infallibility and I sincerely pity those who do. It may be less difficult to some minds to abuse the man, than to refute the argument. "Censure, reproach and misrepresentation is, indeed, a shorter and easier process."

I still differ with Mr. Adams on his doctrine, that the treaty of 1783, by reason of its peculiarity, could not be abrogated by war.

I still differ with him concerning the relative value of the navigation of the Mississippi and the fishing privilege.

I still differ with him, in respect to the consistency of his principle with the proposal which was first decided on, and, after a period of three weeks, actually offered by a majority.

I shall probably continue to differ with him on these points, unless he can produce other and better reasons for my conversion than those contained in his remarks.

For his doctrine, he appeals to a class of treaties which are not known to exist, and to the ordeal of minds with which he has not made us acquainted. He relies on *instinct* when he says "I stop here for a moment to observe how *instinctively* both parties recur to the treaty of 1783 with a consciousness that it was yet in full force," when at the very first conference the British ministers gave us notice that the fishing privilege, granted by that treaty, would not be renewed, without an equivalent, thus considering that treaty to be at end.

Express renunciation or conquest, that is, consent on our part or force on the part of Great Britain, might, according to Mr. Adams himself, abrogate our rights under the treaty of 1783—and these are precisely the means only by which we can be deprived of our rights under any treaty.—The peculiarity, therefore, for which Mr. Adams contends, is left on a very equivocal foundation.—Mr. Adams insinuates that the convention of 1818 confirms his doctrine, and gives a final stroke to mine. That convention does not contain the slightest allusion to the doctrine of Mr. Adams, nor even to the treaty of 1783; but settles the differences which had arisen on the subject by a grant *entirely new*.

By the way, if an *express* renunciation was necessary, on our part, to surrender the fishing privileges, the *implicit* renunciation, which Mr. Adams says was made by the British, cannot be sufficient to surrender their right to navigate the Mississippi—accord-

ing to Mr. Adams, therefore, that right is *unimpaired*.

I certainly was not willing to renounce or to surrender the fishing privilege to force or conquest, but I was willing to adopt a doctrine, which I believed and still believe to be the true one—and which, if it deprived us of the benefit of the fishing privilege, released us at the same time from the evils of the British right to navigate the Mississippi, because I believed those evils outweighed that benefit. I have seen no cause since to change this opinion.

All that Mr. Adams says, in his remarks concerning the fishing privilege, is "that we had renounced certain parts which, *without being of much use to ourselves*, had been found very inconvenient to the British—and that my views, with regard to the magnitude of the fishing interest, he believes, to be as incorrect as my principles on which I would have surrendered it. If I erred in my estimate of the fishing privilege, there is nothing in these remarks of Mr. Adams to demonstrate my error. I acted on the best information which I had at the time. And, if I erred, my error could not deserve reproach. I believe, however, that the views, disclosed in my letter, did not underrate or depreciate that privilege. The most authentic information which I have until now, been able to obtain on the subject, justifies the opinion which I then entertained in relation to it. I am informed by respectable citizens, well acquainted with the business, that few or no fish are now dried or cured within the British jurisdiction, and that most if not all that are taken there, are taken by the few fishermen who have not sufficient capital to procure vessels of adequate size and strength to fish on the grand banks or in the open sea—and that even those few fishermen are annually decreasing in number.

With regard to the British right to navigate the Mississippi, Mr. Adams says that it was a mere phantom—that they had *enjoyed* it for 30 years without *using* it—that in all human probability it never would have been of more *beneficial* use to the British nation, than would be to the people of the United States the right of navigating the Bridge-water canal or the Danube—and that in surrendering it, the British would have surrendered *absolutely nothing*. Although all this was not said at *Ghent to the same extent*, yet Mr. Adams certainly did express there his great contempt of the British right to reach and navigate that river. I have good reason to believe, however, that there was not another member of the mission who entertained the same opinion. Each member estimated differently, the importance of that right, according to his own information and impressions. Some believed it to be of more importance—some of less importance, and some of about the same importance as the fishing privilege, but not one, excepting Mr. Adams, considered it a mere phantom, worth absolutely nothing. Mr. Gallatin appears to have thought it equal, at least, to the fishing privilege. In his separate letter, already mentioned, (c) he says "if the right" (the fishing privilege) "must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to offer but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition," (the abrogation of the treaty of 1783, by war) "this right is also lost to them, and in a general point of view we have certainly lost nothing." The necessary construction of this clause is, that by abrogating the Mississippi right, we gained as much as we lost by abrogating the fishing privilege—and thus, in a general point of view, we lost nothing.

ing by abrogating both—thus making the two of equal value.

I certainly differed very much from Mr. Adams in his estimate of this right under his doctrine, united with his construction or under his proposal. I did not appreciate it by the mere *beneficial* or legitimate uses that might be made of it. Its importance I considered to be derived from its evils—from the abuse of it, and from the pernicious facility which it would afford to British smugglers and British emissaries—to defraud the revenue and to excite the Indians. If our instructions, of the 15th of April 1813, had been no longer imperative, they furnished, at least, evidence in point, which was entitled to attention. The privilege of British traders from Canada, and the Northwest company, were not to be renewed, because "*the pernicious effects of this privilege had been most sensibly felt in the present war, by the influence which it gave over our Indians, whose whole force has been wielded by means thereof against the inhabitants of our western states and territories.*"

We ourselves had borne testimony, during the negotiation, to the magnitude of the evil resulting from allowing to British traders and agents access to our Indians. In our note to the British ministers of the 21st of Sept. 1814, we say, "The undersigned very sincerely regret to be obliged to say that an irresistible mass of evidence, consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes, beyond all rational doubt, the fact that a constant system of *ex-entment* to these hostilities was pursued by British traders and agents who had access to our Indians, not only without being discountenanced, but with frequent encouragement by the British authorities.—And if they ever dissuaded the Indians from commencing hostilities, it was only by advising them, as in prudence, to suspend their attacks until Great Britain could recognize them in the war."

Here was surely evidence to prove the danger of giving to British traders and agents access to our Indians. If this access, owing to existing circumstances, had not hitherto, to any great extent, been practically derived from the right to approach and to navigate the Mississippi, yet this right, having become the only means of access, would undoubtedly have been made the thorough-fare of this nefarious intercourse. If I erred in this opinion, still I should hope to find charity for my motives. As a citizen of Massachusetts, I believed that justice and sound policy required that we should treat fairly and liberally every other section of the union, and to do as we would be done by. As a minister of the United States, it was my duty to act impartially towards the great whole.

The inconsistency of Mr. Adams' doctrine, with his conduct, in relation to the fishing liberty, needs no illustration. If that liberty was, as he alleged, inseparable from the general right, why separate them, by offering a specific proposition for the one, and leaving the other to rest on the treaty of 1783? If this liberty was, by our instructions, included in the right, why discuss it, as those instructions forbid us to bring that right into discussion? If this liberty was an attribute of our independence, why rely for its continuance on the *peculiarity* of a treaty, and at the same time offer to make it an article of another treaty, where there could be no such peculiarity to perpetuate it? If that liberty was, indeed, an attribute of our independence, I say that it depended on no treaty, but on those eternal principles on which it had been declared previous to

any treaty—and on that high spirit and resistless energy which dictated and accomplished that declaration. Whenever that independence, or any of the essential attributes of the sovereignty, which necessarily results from it, shall be denied or questioned, I trust in God and the valor, not of the West only, but of all, that we shall not resort to the dreams of a visionary, or the dead letter of a treaty, to assert our rights and rank among the nations of the world.

I shall now close this defence against an unprovoked and unprincipled attack, trusting it, for my vindication, with the justice and liberality of my fellow citizens. If I had been previously entrusted with the remarks of Mr. Adams, as he frankly was with the paper which has mainly been the subject of them; I should have had an opportunity of simultaneously offering these explanations, and been spared the unpleasant necessity of thus appealing to the public. If I have not retorted the virulence and acrimony of Mr. Adams, it is because I have not felt them sufficiently to forget the respect which I owe to myself and the public. I regret, equally with Mr. Adams, the necessity which he has supposed to exist for the virulent character of his remarks; but I shall have abundant reason to rejoice, if, in directing the infirmities of his temper against me, they shall have been diverted from a course in which they might have been disastrous to the country.

JONATHAN RUSSEL.

NOTES.

(a) Extract of a letter of instructions, received from the secretary by commissioners at Ghent, dated 25th of June, 1814.

"Information has been received, from a quarter deserving attention, that the late events in France have produced such an effect on the British government, as to make it probable that a demand will be made at Gothenburgh to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will, of course, treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease."

(b) Extract of a letter of instructions from the secretary of state to the American commissioners, dated 15th April, 1813.

"The article in the treaty of 1794, which allows British traders from Canada, and the North-West Company, to carry on trade with the Indian tribes, within the limits of the United States, must not be renewed. The pernicious effects of this privilege have been most sensibly felt in the present war, by the influence which it gave to the traders over the Indians, whose whole force has been wielded, by means thereof, against the inhabitants of our western states and territories. You will avoid also any stipulation, that might restrain the United States from increasing their naval force, to any extent they may think proper, on the lakes, held in common, or excluding the British traders from the navigation of the lakes and rivers exclusively within our own jurisdiction."

(c) Extract of a letter from Albert Gallatin, esq. to the secretary of state, dated 25th of December, 1814:

"On the subject of the fisheries, within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the treaty of 1783 which we assumed, the right was not abrogated by the war, it remains entire, since we most explicitly refused to renounce it, either directly or indirectly. In that case it is

only an unsettled subject of difference between the two countries. *If the right must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to give but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition this right is also lost to them; and, in a general point of view, we certainly have lost nothing.*"

(d) Extract from a despatch from the American plenipotentiaries to the secretary of state, dated Ghent, 25th of December, 1814:

"At the first conference, on the 8th of August, the British plenipotentiaries had notified us, that the British government did not intend, henceforth, to allow to the people of the United States, *without an equivalent*, the liberties to fish, and to dry and cure fish, within the exclusive British jurisdiction, stipulated in their favor by the latter part of the third article of the treaty of peace of 1783. And, in the note of the 19th of August, the British plenipotentiaries had demanded a *new stipulation* to secure to British subjects the right of navigating the Mississippi, a demand which, *unless warranted by another article of the same treaty of 1783*, we could not perceive that Great Britain had any colorable pretext for making. *Our instructions had forbidden us to suffer our right to the fisheries to be brought into discussion, and had not authorized us to make any distinction in the several provisions of the third article of the treaty of 1783, or between that article and any other of the same treaty. We had no equivalent to offer for a new recognition of our right to any part of the fisheries, and we had no power to grant any equivalent which might be asked for it by the British government. We contended that the whole treaty of 1783 must be considered as one entire and permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war between the parties to it; as an instrument recognizing the rights and liberties enjoyed by the people of the United States as an independent nation, and containing the terms and conditions on which the two parts of one empire had mutually agreed, thenceforth, to constitute two distinct and separate nations. In consenting, by that treaty, that a part of the North American continent should remain subject to the British jurisdiction, the people of the United States had reserved to themselves the liberty, which they had ever before enjoyed, of fishing on that part of the coast, and of drying and curing fish upon the shores—and this reservation had been agreed to by the other contracting party. We saw not why this liberty, then no new grant, but a mere recognition of a prior right, should be forfeited by war, any more than any other of the rights of our national independence—or why we should need a new stipulation for its enjoyment more than we needed a new article to declare that the king of G. B. treated with us as free, sovereign and independent states. We stated this principle, in general terms, to the British plenipotentiaries in the note which we sent to them with our project of the treaty—and we alleged it as the ground upon which no new stipulation was deemed by our government necessary to secure to the people of the United States all the rights and liberties, stipulated in their favor by the treaty of 1783. No reply to that part of our note was given by the British plenipotentiaries; but, in returning our project of a treaty, they added a clause to one of the articles, stipulating for a right for British subjects to navigate the Mississippi, without adverting to the ground of prior, and immemorial usage, if the principle were just, that the trea-*

of 1783, *from its peculiar character*, remained in force in all its parts, notwithstanding the war, no new stipulation was necessary to secure to the subjects of Great Britain the right of navigating the Mississippi as far as that right was secured by the treaty of 1783; as, on the other hand, no new stipulation was necessary to secure to the people of the United States the liberty to fish and to dry and cure fish, within the exclusive jurisdiction of Great Britain. If they asked the navigation of the Mississippi, *as a new claim*, they could not expect we should grant it without an *equivalent*; if they asked it because it had been granted in 1783, they must recognize the claim of the people of the United States to the liberty to fish and to dry and cure fish, in question.

To place both points beyond all future controversy, a majority of us determined to offer to admit an article confirming both rights."

CHRONICLE.

The *Macedonian* has left Havana on a cruise—her officers and crew were becoming sickly. The brig *Enterprise* has arrived at Charleston from a cruise.

The *Bangor bank*, in Maine, has failed—a large quantity of its notes were in circulation at Boston, and caused much excitement there. Some say that there has been first rate swindling in this affair—which is likely enough. It is estimated that, before the failure of this bank, the people of New England had suffered a loss of more than 1,300,000 dollars by the failure of country banks!

The law! The case of A. Lithgow, for defaulting one of the Virginia banks, is not yet decided. Exception after exception is taken to the proceedings against him—the verdict of a year's imprisonment in the penitentiary is superceded, and the probability is that he will get clear.

Counterfeiters. A party of 12 or 15 gentlemen lately started from Tuscaloosa, Alabama, and penetrated the wilderness nearly 100 miles, to break up a nest of counterfeiters which was believed to exist there. They completely succeeded, caught five of the rogues actually at work in a cavern, and, having broken up the establishment, brought them in for justice, together with many evidences of their skill. The paper was made, the plates engraved and worked off, and afterwards signed at this place. One of the persons taken is a famous engraver named Thomas Davis, or Dixon.

Limited partnerships—The legislature of Connecticut, at their recent session, passed the bill authorizing limited partnerships, to the same effect with the French law on this subject.

A panther, nine feet long, was lately found dead on the shore of lake Ontario, supposed to have perished in a rencontre with a deer in the water. Another of the species has been seen—but, for 12 or 14 years, it was thought that this animal had been exterminated in that neighborhood.

The *Arkansas*. It is ascertained that this great river is navigable for steam-boats at least 550 or 600 miles from its mouth. It is believed that it is capable of such a navigation several hundred miles further!

Navy department, 26th June, 1822—General order: Midshipmen who have been examined, and found qualified for promotion, will wear, by way of distinction, a gold star, in the centre of the gold diamond now worn on the collar of their coats.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 20—Vol. XI.] BALTIMORE, JULY 13, 1822. [No. 20—Vol. XXII. WHOLE No. 566

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

TO SUBSCRIBERS. The pressure of the times, perhaps generally, and an expectation to be called upon by agents in certain instances, have caused a very unusual and discouraging defalcation of our customary receipts; and matters have at length arrived at such an accumulated difficulty, as to render it necessary thus to request all our friends and subscribers to make an examination into the little affairs between them and us. It is extremely unpleasant, at this period of our work, to believe it rightful to make this common call for relief—we ought now to have been *above it*. But it is hoped that those whom it concerns, will promptly attend to it, and immediately make remittances by mail, at the cost and risk of the editor. A greater facility than is here suggested, he knows not how to offer to such as are disposed to keep themselves square with him; and, scattered as the subscribers are over the whole union, the only evidence of such disposition that can be generally accepted, will be a remittance of what may be owing to him.

At the close of the present editorial year, (next month), it is desired that agents and collectors for this work will make a particular return of their proceedings, and render an account of delinquents; in the mean time doing all that they can to remit what is due to the establishment.

EXCHANGE OF PAPERS. Some months ago, we overhauled and razeed our exchange list considerably, but not so severely as we ought to have done, and the names of many newspapers, valuable, perhaps, in the respective neighborhoods in which they are printed, were stricken off. The list is still burthensome and really oppressive, and it shall receive another and a more strict examination at the close of the present volume of the REGISTER, which will end with August ensuing: it will be discontinued to every publisher whose promise to "pay the difference" has not been redeemed by cash or in the performance of good offices—in some cases more than the equivalent thereof.

As applications for exchange are made several times in a week, it may be well to state the terms on which fellow-publishers may obtain this paper, if desired by them:

In general, it will be exchanged with any one who issues a publication of a like nominal value per annum: and with all who publish works of a less nominal value, the *difference being paid in advance*. To some, the editor hereof pays that difference—and if any, whose papers are of a greater annual cost than his, who do not receive money on account of the exchange, are pleased to strike the REGISTER from their lists, they will do so without affording a shadow for offense. What we do to others we are quite willing should be done unto us.

Some peculiar circumstance or location may induce us to make new exchanges, without a payment of the difference—but persons proposing such an exchange, will take it for granted that it is not acceded to, unless our paper is *immediately* forwarded in return; and act accordingly.

CONSTITUTION OF NEW YORK. The editors of the "Albany Argus," copying our paragraph re-
Vol. XXII.—36.

specting the inaccuracy of the constitution of this state, as inserted in the Register, observes—"We can explain to Mr. Niles, how this mistake in the New York city papers, happened. After the convention had decided on the various amendments and alterations, they proposed to have made in our constitution: a committee was appointed to incorporate and consolidate into an *amended constitution*, all the sections and provisions of the old constitution, which had not been altered or abolished by the convention, together with the alterations and amendments which they had approved.

"This committee made a report, which, after undergoing several amendments, was finally adopted: And we recollect that some of the New York papers published this *report*, without the amendments, as the constitution which had been adopted by the convention." ¶ We are indebted to the editors of the "Argus" from an official copy—for which act of politeness they will please to accept our thanks. We shall insert it at some convenient season.

THE CENSUS. We have so long deferred the publication of the census of 1820, in detail by counties of the different states, because the return from *Alabama* was not completed. It is now stated that the census of that state has been perfected, and that it will be entitled to three members of the house of representatives.

As, in 1816, we pretty well calculated what would be the population of most of the states in 1820, we have nearly expended this week in considering and locating the population of 1830—the result is shewn in the most labored table that we ever made, which, with some accompanying and explanatory remarks, is intended for our next publication. We have a hope that it will excite reflections of a very important character. It will surely amuse the curious, and may instruct statesmen, by leading them to think on the power and progress of population in this republic.

NORTH AND SOUTH. It is not a matter of any importance, as we know of, whether *Mexico* is in North or South America;—but as every body in the world, who thinks at all on the subject, admits that it belongs as much to North America as the United States do, we have oftentimes to wonder at the carelessness of editors in sending this great empire across the line. Even the "National Intelligencer" speaking of *boundaries*, tells us it "is possible that collisions may arise between us and the governments of *South America*," and refers to the province of Texas, which joins the state of Louisiana and territory of Arkansas, as containing the subject of probable dispute. We are not in the habit of noting such errors, generally the effect of a *running quill*, for we have enough of them to account for of our own making—but this error is a common one, and misleads and distracts many, especially the youth—and it ought to be corrected.

SALT is made, in any quantity, at Herculeaneum, 50 miles below St. Louis, Missouri, at about two cents above the price of lead, which is five cents a pound, and of a quality so superior to the English that it regularly commands a cent more in the

pound in the New-Orleans market. At Herculaneum there are towers not made by the hands of man, but of perpendicular rock, from 100 to 300 feet high, on the margin of the Mississippi, from the top of which the melted lead is poured, and taken up in shot at the water's edge, and conveyed in boats wheresoever it is wanted.

STEAM VESSELS. A great improvement in the application of steam for propelling vessels, is said to have been exhibited in Scotland. It will enable them to be applied to canal or deep sea navigation. The moving power is altogether confined *within* the two sides and stern and stern of the vessel. The danger to the paddles is thus obviated, the vessel has no unusual appearance, and may, in a few minutes, be converted into an ordinary sailing vessel. So says the account.

A steam carriage, to ply on a common road, is building in London. It is to have the power of six horses.

UNCOMMON LAW-SUIT. A gentleman of Providence, R. I. being at New-York, gratuitously took charge of a package containing 11,000 dollars in gold, to convey it from one place to the other. It was stolen from the steam boat at New-York, and no tidings of it have been received since. The owners have brought an action against the gentleman for the recovery of the money, pleading a want of care to preserve the property entrusted to him. The cause has been tried at Providence, but the jury could not agree on a verdict, and a new trial must be had.

CONNECTICUT. We have an account of the financial concerns of this state for the year ending 31st March 1822. The expenses amounted only to the sum of \$55,284.09 viz.

For salaries	13,101 00
The legislature	14,007 94
judiciary	11,398 57
Paupers	5,157 30
Newgate prison	5,263 25
Quarter master's department	640 00
Contingencies	5,716 03

55,284 09

The balance left in the treasury at the end of the year, was 18,290 78. The permanent funds of the state, (exclusive of the school fund), amount to 404,968 dollars, about 100,000 of which in the U. S. funded debt, the rest in the stocks of the local banks.

¶ The very important constitutional matters urged in the able essay, or message, of governor Wolcott to the legislature of Connecticut, will command the attention of the reflecting. It is the first duty of a man, after paying reverence to his CREATOR, to provide for himself and his family, by honest industry and faithful application to business; but second to this, it is the duty of a *republican* to investigate and ascertain first principles, and apply them to practice, through his vote at the polls and the interest that he may acquire by his devotion to the public good. These remarks are general. If the people will not think for themselves, there are enough that will take snug offices and fat contracts and agree to save them the trouble of it, as in Russia, England and elsewhere. But it is only tyrants that hate a *thinking people*—they are the pride of honest and honorable governments; the sunshine of peace and thunderbolt of war.

NEW-HAMPSHIRE. From various returns recently laid before the legislature, we abstract the following summary statements:

Militia—3 divisions, made up of 6 brigades and 38 regiments—each having the requisite staff and field officers. There are 41 companies of cavalry, which, besides the commissioned and non-commissioned officers, have 1,450 privates: 38 companies of artillery, and, as above, 979 privates: 376 companies of infantry, having the full quantity of officers and 21,124 privates: 8 companies of riflemen, properly officered, and 287 privates. The return of arms shews 1,449 cavalry swords, 2,905 pistols, &c.—1,137 artillery swords, 28 pieces of cannon, brass 4 pounders—16,399 muskets, 83 rifles, and a variety of appurtenances.

Banks—There are ten of these institutions, which appear to be well conditioned. Aggregate capital paid in \$1,008,536; do. value of real estate 60,507; do. amount of debts due 1,469,322; do. of bills in circulation 558,389; do. amount of deposits 123,372; do. of specie on hand 220,094; do. bills of other banks 63,583.

State prison. Total amount of income arising from the labor of convicts for the year ending 31st May 1822, was, \$4,515 17; the total amount of expenditure 3,317 44; leaving a balance gained by the institution of \$1,197 73. It is expected that all the disbursements on account of this prison in the ensuing year, may be made out of the proceeds thereof.

OHIO. Rufus Putnam, the first white man that settled in that section of our country which now forms the state of Ohio, is still living at Marietta, and regarded as the father of the state. He has lived to see the wilderness in which he located himself divided into three independent states, and one of these to contain, (as it does at this time), more than 600,000 freemen. If the good old gentleman shall live to the year 1830, he may expect to find a population in those parts of nearly a million and a half of busy, bustling, happy beings—though the soil, 50 years before, was only trodden by wild animals and untutored Indians. The progress of population in Ohio is still very great, and, the outlet to the ocean, via lake Erie and the New-York canal, will cause a wonderful diminution of the forest in the northern parts of the state; and, if the contemplated cross-cut to the river is effected, as it no doubt will be, the people will have a choice of the markets of New-York and New-Orleans. Yet, lord Sheffield predicted that the western parts of our country never would be commercial.

CORBETT, the notorious, now publishes the London *Statesman*. He has returned to his natural habit of abusing the United States and their people. He says that there is a great crowd of Americans in London, who are co-operating with the borough-mongers to prevent a reform of parliament—the motive assigned, is to force the emigration of English farmers and Irish laborers! He gives his readers to expect a particular account of these things!

The "Statesman" of the 29th April, contains the following article:—

"The American newspapers call lord Cochrane 'the patriotic pirate.' What they mean is, that he does not suffer the Americans to aid, clandestinely, the cause of his enemy, and to take away the *booty* to which he is entitled. That is what they mean. The congress has acted a very *unfriendly* part toward the South Americans from the outset.

not to say a very base part. The fact is, they hate the idea of South America being free, independent and happy. And, as to American merchants and *cruisers*, what is there in any part of the known world that they would not *make prize* of if they could? What business have they to be poking their noses into besieged ports, and taking on board the treasure of the tyrants to preserve it *for them* against the revolutionists, though with a view, no doubt, to *gain nothing by it*? What business have they with this matter? What do the congress send *armed ships* for, except to *aid*, directly or indirectly, one side or the other? And, how comes it, that all their commanders should have *sympathized* with the *royalists*? How comes it, that, in fact, they should, just like our commanders, have been manifestly sent to *watch*, and, indeed, to *menace* and *thwart* lord Cochrane? This is odd enough in these *republicans*! These lovers of *liberty*. One (one that did not know them) would have expected to see the Americans, in such a case, *friendly* towards lord Cochrane, and not co-operating so cordially with "*his majesty's squadron*!" Strange, that they should be as hostile to the South Americans, and even more hostile than the pretty fellows at Whitehall! But, does not this tell us how great our interest is in supporting the South American independence, especially since the fate of the Floridas? Does not this show, that our government has been neglecting every step necessary to be taken in this case, for our security and for our interest? It is *parliamentary reform* that our wise men plot and contrive against, and not against *rivals* and *enemies*. Lord Cochrane is really fighting the battle for England. It is very natural for JONATHAN to call him a "*Pirate*," but, not so natural in our ministerial papers to *cheer* the base calumny."

THE LATE ANNIVERSARY of the independence of the United States, appears to have been every where observed with undiminished zeal. It is pleasing to remark that we have hardly seen one set of toasts published, that did not express the warmest and the best feelings for the people of the new southern republics. The "*wicked practice*," too, of reading the declaration of independence, almost universally prevailed.

At the celebration in Washington City, the following volunteer toasts were given by the several secretaries:

By the secretary of state—The American hemisphere, and the declaration of independence—A new world of matter for a new world of mind.

By the secretary of the treasury.—The federal and state governments—if in the exercise of their respective powers collisions arise, the wisdom of the nation will devise the means of restoring the most harmonious concert.

By the secretary of war.—The cause in which Warren bled, and Washington triumphed.

By the secretary of the navy.—National industry, encouraged by national policy—of extending equal protection to agriculture, commerce, and manufactures.

CHARLES THOMPSON. *Albany*, July 2. A gentleman of this city lately visited the venerable Charles Thompson, secretary of the continental congress in the revolutionary war, at his seat, twelve miles from Philadelphia, on the old Lancaster road. Mr. Thompson has reached the advanced age of *ninety three*, enjoys tolerable bodily health, and walks with apparent ease and pleasure to himself; his sight is so good as to enable him to read without

spectacles, but he hears with difficulty—his mind is evidently in decay; it is the ruins, however, of superior intellect: far from being *peurile*, it still bears the impress of greatness, and a familiarity with the best ancient and modern authors. He dwells with peculiar interest on the scenes of the revolutionary war, and relates, with great precision, many anecdotes of its prominent characters. On being asked what caused such implicit faith to be put in the documents signed by him, he answered "it was well known that he had resolved, in despite of consequences, never to put his official signature to any account, for the accuracy of which he could not vouch as a man of honor;" and so well was this understood, that, when Mr. T. was adopted by the Six Nations of Indians, they emphatically named him "*the man of truth*."

GREECE. The following is a brief abstract of the provisional constitution of the Greeks, promulgated by the national congress, assembled at Argos, in January last:

Chap. 1. *Of religion*. Art. 1. The religion of the state is the orthodox religion of the Eastern [Greek] church. At the same time all religions are tolerated, and their ceremonies permitted to be freely exercised.

Chap. 2. *Public law of the Greeks*. Art. 2. All natives of Greece, possessing the christian religion, are Greeks, and enjoy all political rights. Art. 3. The Greeks are equal in the eye of the law, without distinction of rank or dignity. 4. Every stranger, established or residing in Greece, enjoys the same civil rights as the Greeks. 5. A law on naturalization shall soon be published by the government. 6. All Greeks are eligible to any office—ment only determines the preference. 7. The property, honor, and security of every citizen are placed under the safeguard of the law. 8. Contributions for the expenses of the state are to be appointed according to the fortune of each person. No impost shall be demanded but by virtue of a law.

Chap. 3. *Form of government*. Art. 9. The government is composed of two bodies; the legislative senate, and the executive council. 10. The two bodies must concur in the enactment of laws. 11. Either may reject the laws proposed by the other. The legislative senate is composed of members elected by the different provinces. 12. The number of senators is to be determined by the law of elections. 13. The law of elections, which shall be published by the government, must require that the representatives shall be Greeks, and that they be thirty years of age. 14. The deputies of all the free provinces and islands of Greece, are admitted as soon as their powers are acknowledged valid by the senate. 15. The senate appoints its president and vice president, annually, by a majority of votes; and 16, at the same time a first and second secretary, and under secretaries. 17. The senate is renewed every year. 18. The executive council is composed of five members, chosen from the senate, and according to rules established by a special law concerning the formation of the council. 19. The council appoints, annually, its president and vice president, by a majority of votes. 20. It appoints eight ministers, viz. an arch chancellor of state, entrusted with foreign relations; ministers of the interior, of the finances, of justice, of war, of the marine, worship, and of the police. 21. It appoints also to all officers of the government. 22. The functions of the senate continue but for a year.

Chap. 4. *Of the legislative senate.* [The charter goes on to prescribe the powers and duties and forms of proceeding of the senate, &c.]

MEXICO. The following was the "oath of the emperor Augustin [Yturbe] the first," before the supreme congress of Mexico. It prostrates every hope that we entertained of his republican principles. It is from the Vera Cruz Gazette of May 30.

I, Augustin, by Divine Providence, and by nomination of the congress of the representatives of the nation, emperor of Mexico, swear, by God and the holy evangelists, that I will defend and preserve the Roman Catholic and apostolic religion, *without permitting any other in the empire*; that I will maintain, and cause to be maintained, the constitution which the said congress will form, and meanwhile the Spanish constitution, in such matters as may be expedient; and, also, the laws, orders and decrees, already issued, or which may hereafter proceed from the said congress, having in view at all times, the welfare of the nation; that I will not alienate, cede, or dismember any part of the empire; that I will not exact produce, money, or aught else, without a decree of the congress; that I will not take from any one his property; and especially that I will respect the political liberty of the nation, and the personal liberty of each individual; and if, to what I have sworn, or any part thereof, I may act contrary, obedience shall not be due to me, and, in such, my acts shall be null and void. Thus may God be my aid and my defence, and, if not, may he demand of me.

Mexico, May 21, 1822.

CLAIMS UNDER THE SPANISH TREATY. *From the Washington Gazette of July 2.* The board of commissioners under the late Spanish treaty adjourned to-day, after a laborious session of three weeks, until the second Tuesday in October next.

We have gathered from a friend, in whom we have entire confidence, and whose opportunities of forming a correct opinion of the merits and indefatigable labors of the commissioners at their late session, a few facts, which, in justice to the board, we publish, as they have recently suffered some sharp attacks from different quarters of the union, penned probably on very partial information.

The diligence, wariness and talent, of this forum, as evinced by its decisions, many of which involve important principles of international law, and an accurate and rare knowledge of the local and municipal regulations of other countries, furnish a strong protection of the fund in favor of real losses against groundless and overcharging claims. At the present session, all cases which had been suspended for reconsideration and further argument, have been determined. Of these, the class of contracts between American citizens and the government of Spain and her colonies, is of the largest amount. In deciding that the treaty was designed to embrace this kind of claim, the board has not precluded itself from opening any settlement which may have been made with the agents of Spain since the date of the treaty, nor determining the legality and *bona fides* of the contract, as viewed in relation to the obligation of neutrals to belligerent nations. In union with this subject, it has also decided, that a foreign domiciliation of a native citizen, either at the time the claim arose or at the date of the treaty, incapacitates the claimant to participate in the fund.

The license cases, so called, have been considered, and the board adhered to its first determination,

holding that the seizures were not unlawful. In some of these cases, however, where Spain had remitted the forfeitures and ordered a restoration of the property to the real American owners, the board remitted the claims, under the *affili renunciation*, where such proceedings had taken place as brought them within its provisions.

The prize cases gave rise to a most able, learned, and interesting discussion. A majority of the committee was in favor of their reception, where an exclusive property in the prize could be asserted by individuals, but where such property vested in the United States in the first instance, they were rejected.

Cases which had been proved before the commissioners under the Louisiana treaty, but not fully compensated, although if they had not been so proved they would have been good claims, were rejected.

Several other judgments were pronounced, affecting individual claims.

The activity of American commerce, every where and at all times a victim of the wars and revolutions which have distracted the last quarter of a century, has accumulated an immense amount of claims before the board, and renders its duties extremely arduous. Notwithstanding the number of rejected cases, it is understood the amount of claims which are received is about seventeen millions of dollars. The great disproportion between this sum and the fund appropriated by Spain has already excited an anxious vigilance and laudable jealousy in those who have the distribution of it, to guard against imposition. Such a disposition affords the highest assurance that none but genuine and well supported claims will be finally allowed. No one can well doubt, however, that the fund will fall far short of full indemnity for the losses of our citizens.

FOREIGN NEWS.

Great Britain and Ireland. Cast iron rafters and roofs for houses are getting into use. But a late London "Courier" gives us the following interesting account of an iron steam boat—"On Thursday last, the public were much gratified and astonished, at the exhibition of an iron steam boat in the river Thames. A large party of distinguished naval officers and engineers, and servants, embarked at Parliament Stairs, on board the *Aaron*, iron steam boat, which immediately got under weigh, and proceeded to Battersea bridge; she then descended to Blackfriars, and manœuvred for several hours between the bridges in a very superior style. This steam boat was built at the Horsler iron works, by Mr. Manby, and put together in Rotherhithe. She is the most complete piece of workmanship in the iron way that has ever been witnessed, and draws one foot water less than any steam boat that has ever been built. She is 106 feet long, and 17 broad, and is propelled by a 30 horse engine, and Oldham's revolving *oars*, the most perfect piece of mechanism that has yet been adopted in steam boats. The great advantage of these *oars* is their entering and leaving the water edge ways, by which means no power is lost, and they are particularly useful in rivers, with narrow bridges, as they occupy little more than half the breadth of the common wheel. We have no doubt but the iron boats will be generally adopted, particularly where a small draft of water is necessary. Another advantage they have over steam boats in general, is their perfect safety from fire, and uncommon steadiness under the engine. This boat will leave London in a few days for

Paris, the first instance of a direct communication between the capitals of France and England."

Cuba. The following is an extract of a letter from a gentleman in Matanzas, to his friends in Philadelphia.

"The spirit of revolution continues to evince itself throughout: our tranquility has been somewhat disturbed in this city by factions of designing men; and in our capital, *Puerto Principe*, the sword is already unsheathed, and, per last accounts, the people had literally exterminated the regular troops quartered there."

Monte Video. It appears as if the Portuguese considered this place and its adjacent territory, as attached to the "kingdom of the Brazils"—and, on this ground, they will stop the whole of the carrying trade between them, except under the Portuguese flag.

Colombia. Gen. Paez has summoned Porto Cavello to capitulate, but received an absolute and pompous refusal from general *La Torre*, the royal chief. The force of the patriots is insufficient to blockade this port; and a Spanish frigate on the coast appears to enter and leave it at the discretion of her commander—so supplies may be easily obtained: still its surrender was confidently calculated upon as being close at hand, and a letter from Laguiria, dated June 23, says—"Two vessels were brought in here yesterday, having Spanish passengers on board, who were endeavoring to escape from Porto Cavello to Curacao. They represent the place as incapable of holding out much longer. The markets are very dull here at present."

Mr. Zea, the minister of Colombia at Paris, has negotiated a loan with the London bankers for two millions of pounds sterling. The present debt of the republic, exclusive of this loan, is said not to exceed half a million.

Bolivar, after one of the hardest battles ever fought in this quarter of the world, has totally reduced the royal force in Quito and Tumbez. He was opposed by an able and gallant officer called Murgeon, who fell at the head of his troops, in a charge made on the patriot army. This news is official. It is reported, that, in consequence of this event, and the want of a hope to maintain himself much longer, *Morales* had shot himself. But this is not probable.

The inhabitants of Old Providence have united themselves to the republic of Colombia, and hoisted its flag. Their squadron, of nine sail, under com. Aury, was about to proceed to Laguiria.

The Porto Rico privateers are capturing many American vessels from the Colombian ports.

Chili. It is said that lord Cochrane has sailed in pursuit of some Spanish frigates that were capturing many Chilean vessels. Later accounts positively state, that he captured the frigate *Venganza* and corvette *Alexander*, off Guayaquil.

The government of this country appears to partake very little of the character of a republican one, even yet. It is military and despotic.

A Tale of Terror.

NEW-ORLEANS, June 11.

Extract from the log-book of the brig *Aurilla*, of N. York, captain Wing Howland, bound from Baltimore to New-Orleans.

On the 15th May, finding the current in the Gulf too strong, it was thought best to cross the Salt Key bank; when about half over the bank, two schooners hove in sight, which, at first view,

were of a suspicious appearance. Immediately ordered all the negroes upon deck, thinking to frighten them off if they were pirates. They tacked and stood from us—the one astern hoisting a private signal, they soon after closed and bore down upon us—they brought us to with a shot, and fired into us after we had hove to; several grape shot passed over us, and others through our sails—we struck our colors, and all went below. They boarded us and filled away for Salt Key, then in sight. At 12, brought us to anchor in 2½ fathoms water, under the island. On boarding us, they drove every person below except the captain, and put on the skylight and hatches. 16th, the captain and his papers having been examined on deck, some of the pirates entered the cabin, where the mate and passengers were confined; they interrogated us as to the cargo and destination of the vessel, behaved politely, encouraged us not to feel alarmed, as they intended us no injury. The captain was then ordered into the cabin, after which the whole company were taken individually upon deck, and required to confess if there was money on board, and there being none, negative answers were of course given. Having proceeded through the examination of the whole, threatening, at the same time, if they found any money, our lives should pay the forfeit, they again ordered us, with the crew, into the cabin, threw a blanket over the companion way, and placed a guard over us—the slaves were in the meanwhile kept in the hold, a guard posted over them. After the lapse of a quarter of an hour, during which the pirates were making preparations to torture us into a confession that we had money on board, we were again summoned upon deck, beginning with the sailors, then the captain, mate and passengers. (The passengers were called in the following order, viz. Stephen W. Wikoff, captain John Campbell, Wm. Inskoop, Chas. A. Warfield, Wm. Campbell.) Those who remained behind in the cabin, from the sound of arms, the agonizing groans and the prayers of their fellow passengers who went before them, and from the termination of their woful sufferings by the report of pistols, were convinced they were to suffer a cruel death. So regular and systematic were the arrangements, and so well calculated to inspire terror and to fill the breasts of all with the most dreadful apprehensions, that every man marched upon the deck expecting to meet inevitable death. We were all in succession ordered upon the deck and made to run the gauntlet through fifteen or twenty most ferocious and barbarous monsters disguised in the shape of human beings, from the cabin to the windlass, being beaten most cruelly and unmercifully with swords and pistols, until death would have been a welcome visitor. We were then ordered to sit upon the windlass, with our backs turned to them, there to be shot—they put the pistols to our heads and fired them—it is impossible to describe our feelings, when, after the report of the pistols, we found ourselves still alive. This was the system of terror they adopted to compel us into a disclosure of our hidden riches, as they imagined. We were immediately, as we were successively despatched, ordered into the forecabin, there to await their further vengeance. Language fails to convey an adequate conception of our astonishment and agreeable surprise when we beheld our fellow passengers, who we believed were sacrificed to Spanish cupidity and sunk into their watery graves, still breathing the breath of life, but whose countenances still communicated the cruel apprehension that harassed their minds. In this place

we remained ruminating upon our situations and anticipating the most horrid consequences of Spanish barbarity. (It is worthwhile to mention, that, when we were brought to the windlass, we found it bloody, these hellhounds of war having, in order to convince us of the murder of our fellow passengers, killed a duck and sprinkled its blood on and about the windlass.) A sailor, who had secreted himself, being discovered, was barbarously beaten; the poor fellow believing that we were all dead, in order to obtain some cessation of his tortures, told the pirates that he knew Mr. Wikoff had a box of money in the hold; to get at this box they cut the cabin floor away and broke a few of the lockers, but their search was in vain, for there was no money; they then recommenced to maltreat the sailor, who persisted in declaring that he knew there was a box of money on board; not being able to find it, they beat the sailor most cruelly. Mr. Wikoff was then ordered on deck—as he was ascending a ruffian stabbed him in the thigh with a stiletto—being on deck, he was again barbarously treated, being stabbed in several places and beaten with swords and pistols—in vain he declared he had no more money—in vain he declared his ignorance of there being any on board; to cap the climax of human suffering, they put a rope around his neck and hoisted him up to the yard arm, then dropped him almost lifeless into the chams, then struck him with swords, calling out for money; but he was too far gone to answer—they again hauled him up to the yard arm, and when he was apparently dead, they dropped him into the water, then drew him up and threw him into the long boat, which was alongside the brig—when he was able to move, they drew him on deck, and beat him back into the fore-castle. At the sight of him, bleeding profusely from several wounds, weakened from the loss of blood, and almost drowned, we all again were certain of undergoing the same cruel treatment. In this horrid state of suspense we were suffered to remain for hours. Being disappointed in the object of their pursuit, they commenced to plunder the brig of every thing that was valuable—the captain of all the brig's papers, and his desk with all his private papers, and the passengers of all their valuable papers, and trunks, with all their contents; they robbed us of all our clothing, watches, breast pins, and, in fact of every thing except what we had on our backs. About the same time that they brought the Aurilla to anchor, they brought the brig Hiram, of Newport, captain Weeks, and, as near as we could ascertain, the captain and his crew suffered severely. About five hours after they had captured us, they saw three sail crossing the bank—they ordered the captain to remain until morning for further orders, and that if he attempted to violate his orders, all hands should be murdered and the brig set on fire; then made sail in chase of the three vessels, succeeded in capturing two of them, and then returned to the anchorage near us. About 8 o'clock, P. M. they came on board of us again, ransacked the brig and took away every thing they could find, even of the most trifling consideration. At this time commenced scenes of brutal outrage and shocking immorality, which it is painful to record. With their stilettos in their hands they ravished the defenceless negro women in the face of every person on board! Several of the women who resisted the gratification of their beastly appetites, were forced by menaces to yield their bodies up to the most shocking indulgences. They returned to their vessels. During the night, different parties came on board and committed the

same abominable excesses on the bodies of the women.

At day light, a large party came on board and made a thorough search through the brig—not the least thing or place was left unsearched. At this time they left us scarcely any thing on board—a short allowance of provisions, and a few large boxes of furniture which they were unable to take away. They took also our colors, a new hawser and the brig robbed of every thing. It is impossible to conjecture what would have been our lot had they not have captured so many vessels about the same time. About 10, A. M. they ordered the captain to cut his cable, and be off immediately; the order was no sooner given than executed. A short time after the cable was cut, and as we were making sail, we saw a boat, with a number of the pirates on board, approaching us—we experienced the most terrible apprehensions of a speedy death. For some minutes we remained in the agony of suspense, until they boarded us and demanded of the captain, in Spanish, his carpenter; but there being no carpenter on board, or attached to the vessel, the captain answered that there was no carpenter on board. However, they still persisted that there was one, and that if he was not delivered up immediately, they would murder all of us instantly. The ruffians fell to beating the captain, then the mate most unmercifully. In the mean time, some person said that an old negro man by the name of Simon, was the carpenter: they fell to beating him, drove him into the boat and took him off. They left us about half after ten in the morning—all hands employed in repairing our rigging and stowing away what little cargo they could not take away; the boxes, barrels and packages nearly all broken open, some of which were robbed of part of their contents, and others torn to pieces. As to the quantity robbed, we have not been able to ascertain.

The Vice President.

We have already mentioned, (says the National Advocate), that an able report of the late trial of the United States against Daniel D. Tompkins, had been published, and merits, from its interest, a general circulation. The following eloquent extract from the speech of Mr. Tompkins will be read with pleasure, and will convey a faint idea of his services and sacrifices at the most gloomy periods of our late war.

"Tell me not, gentlemen, tell me not, I beseech you, when it was in my power, and the money was in my hand, that *then* I should have deducted my just dues: that *then* I should have exacted and taken my pound of flesh; from whom?—a poor, emaciated, distracted country, which I at least loved, and which was already reduced to mere skin and bones. If, at that time, I did not deal with my country as with a sharper, who, when his disasters were ended and his misfortunes over, would recoil upon his benefactor and stab him to the heart—if, when its destiny was in my palm, the whetted knife in my hand, and the hapless debtor laid prostrate at my feet, I did not, like others, carve out my pound of flesh—reproach me not with it. If this even were a grievous fault, have I not, gentlemen, grievously answered it? But it was no fault. Had I done this, there would have been a deficiency of two or three hundred thousand dollars. The cadets of your nation would have been left to freeze and hunger in the Highlands; the manufactory of arms at Springfield, which was already at a stand, and on the eve of mutiny, must have been broken up; the gallant army of Niagara, the

had so freely devoted its blood for you the preceding campaign, would have been disbanded by starvation; and upwards of twenty thousand men in arms, irritated and insulted by the violated faith of your corporate authorities, and determined not to leave the city unrewarded while there was money in the vaults of your banks, would have been let loose upon this place. I shudder when the probable consequences are revived in my recollection. Little did I think, (how could any generous mind anticipate?) that, when the wounds of a bleeding country were healed, when it was replaced upon its feet, its constitution invigorated, its health restored—when its honor and fame abroad, and its prosperity at home were exalted, when its finances were replenished and its coffers full, when it was revelling in green pastures, and indulging in the refreshing shades of the rich valleys; that I, who had regarded myself as one of its watchful and faithful attendant physicians in its adversity, should be singled out as the victim of its persecution: that I alone, with my family, should be outlawed from its justice, and be banished and driven from its society, to roam and mourn and starve upon the barren bleak mountains of despair! I did not so anticipate; and I thank my God I could not. The topic, however, is unwelcome, and I dismiss it.

"Gentlemen: I am no orator; but, as you all have witnessed on this occasion, (and most of you, *some* of you I may certainly say, do know from long acquaintance and experience), a plain matter-of-fact man, that *speak* and *act* right on what I know, feel, and am able to prove. But had my lips ever been touched by a live coal from Minerva's altar, or had there been given to my tongue that *force* and *felicity* of utterance which Providence denies to all but a chosen few; and would my wounded and insulted feelings sustain me through the sad recital, without melting me to tears, or suffocating me with indignation, I could recount a long ten years' series of fears, anxieties, perplexities, sorrows, sicknesses, blighted prospects, and wounded feelings, inflicted by these accumulated and protracted wrongs, on an affectionate (and I hope I may be permitted to add an amiable) family, as well as myself, that would harrow up your souls—would give a tongue to every pang we have suffered—and make the very stones rise up and cry aloud for justice! I forbear as well because I am inadequate to the task, as because I assured you in the opening that I would not assail your passions, or ask your sympathy or compassion; both of which I scorn. I seek merely that plain, rational, and simple justice, which the plaintiff in this cause promptly and voluntarily meted out to all others; and that I *demand* as a right.

"Before I sit down, let me caution you upon one subject. When public calumnies are propagated, and the individual slandered is silent and resigned, it is but too common for the public mind to be generally and unfavorably impressed, and it is difficult for jurors to divest themselves of feelings which these impressions have made. Permit me, therefore, gentlemen, to caution you against these impressions. If, influenced by them, you should finally do me injustice, you will inflict but little additional pain upon me or my family; we have already suffered all that the utmost stretch of human patience and kindness can endure. But beware, gentlemen, lest, influenced by considerations of this nature, or by political or personal feelings, to which my various public situations may have exposed me, you do not place beneath your own couch a thorn; which, though it may not bud or blossom, or disquiet your

peace, for a moment, an hour, a day, a month, a year, or even for a season, yet let me be the faithful herald to proclaim to you now, that it *may* become a most unwelcome tormentor of a dying pillow."

Northern Boundary.

DEPARTMENT OF STATE,

Washington, July 3, 1832.

The following is a copy of the report and decision of the commissioners of the United States and of Great Britain, appointed by virtue of the sixth article of the treaty of Ghent:

"The undersigned, commissioners, appointed, sworn, and authorized, in virtue of the 6th article of the treaty of peace and amity between his Britannic majesty and the United States of America, concluded at Ghent, on the 24th of December, 1814, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois, or Cataragui, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and lake Erie; thence, along the middle of said communication, into lake Erie, through the middle of said lake, until it arrives at the water communication into lake Huron; thence, through the middle of said water communication, into lake Huron; thence, through the middle of said lake, to the water communication between that lake and lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783;" do decide and declare, that the following described line, (which is more clearly indicated in a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the 6th article of the treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; each sheet of which series of maps is indented by a certificate, subscribed by the commissioners, and by two principal surveyors employed by them), is the true boundary intended by the two before mentioned treaties; that is to say,

Beginning at a stone monument, erected by Andrew Ellicott, esquire, in the year 1817, on the south bank, or shore of the said river Iroquois, or Cataragui, (now called the St. Lawrence), which monument bears south 74 deg. 45 min. west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35 deg. 45 sec. west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the north-west corner, or angle, of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island, thence, northerly, along the channel which divides the last mentioned island from the Canada shore, keeping one hundred yards distant from the

island, until it approaches Sheik's island; thence, along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault island; thence, westerly, (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault island, thence up the north branch of the river, keeping to the north of, and near, the Lower Sault island and also north of, and near, the Upper Sault (sometimes called Baxter's) island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's island; thence, passing between the two islands called the Cats, to the middle of the river above; thence, along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's island, and of the small island next above it, marked E, until it approaches the northeast angle of Goose Neck island; thence, along the passage which divides the last mentioned island from the Canada shore, keeping 100 yards from the island, to the upper end of the same; thence, south of, and near, the two small islands called the Nut Islands; thence, north of, and near, the island marked F, and also of the island called Dry or Smuggler's island; thence, passing between the islands marked G and H, to the north of the island called Isle au Rapid Platt; thence, along the north side of the last mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence, along the middle of the river, keeping to the south of, and near, the islands called Conson (or Tussin) and Presque Isle; thence, up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick Tibbet's, and Chimney islands; and south of, and near, the Gallop isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep islands; thence, along the middle of the river, passing north of island No. 14, south of 15 and 16, north of 17; south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull island and of the islands No. 29, 32, 33, 34, 35, Bluff island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's island; thence, to the north of Well's island, and along the strait which divides it from Rowe's island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone island; thence, to the north of Grindstone island, and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory island; thence, passing to the south of Hickory island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand or Long Island, keeping near its southern shore, and passing the north of Carlton Island, until it arrives opposite to the south western point of said Grand Island, in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence westerly along the middle of said lake to a point opposite the mouth of the Niagara river;

thence, to and up the middle of the said river, to the Great Falls; thence up the falls, through the point of the Horse Shoe, keeping to the west of Tris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to lake Erie; thence southerly and westerly, along the middle of lake Erie, in a direction to enter the passage immediately south of Middle island, being one of the easternmost of the group of islands lying in the western part of said lake; thence, along the said passage proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit river, in a direction to enter the channel which divides Bois-blanc and Sugar Islands; thence up the said channel to the west of Bois-blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting, or Great Turkey Island; thence, along the western side and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the south-east of, and near, Hog Island, and to the north-west of, and near, the island called Isle a la Pêche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel Island on the south-east, and Herson's Island on the north-west, to the upper end of the last mentioned island, which is nearly opposite to point au Chenes, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Revieue Isle, and Isle aux Cerfs, to lake Huron; thence through the middle of lake Huron in a direction to enter the strait or passage between Drummond's island on the west, and the little Maniton Island on the east; thence, through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westwardly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the island St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 3, and to the south of those, numbered 15, 13, 5, and 1.

Thence, up the said last mentioned passage, keeping near to the island of St. Joseph's, and passing to the north and east of Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue and on the other side with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the 6th article of the treaty of Ghent.

And the said commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before described boundary line and the adjacent shores of Upper Canada do, and each of them does, belong to his Britannic majesty, and that all the islands ly-

ing in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the 6th article of the treaty of Ghent.

In faith whereof, we, the commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the state of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight and twenty-two.

PETER B. PORTER, [L. S.]
ANTH. BARCLAY, [L. S.]

Legislature of Connecticut.

GOVERNOR'S MESSAGE.

*Gentlemen of the senate, and
Gentlemen of the house of representatives.*

The revolution of another year, has renewed the period devoted to mutual consultations for the public good; and I am happy to inform you, that concord, health and industry are generally prevailing, accompanied with their invariable concomitants, prosperity and competence. Under God, we owe these blessings to our mild and uniform institutions, and they demand returns of pious gratitude, with firm and enlightened efforts, to defend, improve and transmit them to our posterity.

The recent revision of the statutes of this state, has brought us to the commencement of a new and interesting æra. We now see concentrated, in a single volume, the results of the wise legislation of two centuries, embracing the municipal regulations which govern the conduct of a civilized community, where agriculture, commerce, arts and science have attained that proficiency, which is most favorable to the development and maturity of each. Though to inexperienced eyes, this code may appear as a new work, produced by some great change in our social system, yet to more accurate observers it will be apparent, that it embraces the most ancient regulations of the founders of New England. In perusing its pages, we take counsel from sages of other times, and pursue their directions, expressed in the language, and adapted to the customs of the present period. It is thus, that the legislation of a free people, is most successfully accomplished; always imitating the course of nature, without violence or injury; effecting transactions, resembling the lapse of time, without sensible motion; or like human growth from infancy to manhood, with a continued consciousness of personal identity.

All the improvements, which distinguish men from mere animals, are derived from the union of science with human labor. All knowledge consists, either in the revelation of the divine will, or in demonstrations, founded on observation and experience. Notwithstanding the high pretensions of different systems of Ontology, the well known controversies they have occasioned, from the age of Plato to the present period, prove that they are all mere narratives of human opinions, in different stages and improvement, and contain but little which can be rendered practically useful. As all science consists in clear perceptions of truth, we must conclude, that it is only from revealed religion, and by persevering exertions in exploring the mysteries of nature, guided by systematical education, that man can acquire reverential ideas of the great

Author of all being, or any certain knowledge, either of the extent of his own powers, or of the social duties which arise from the development of new discoveries.

A more sublime and affecting illustration of these truths, was never presented to human view, than by our ancestors who landed at Plymouth. This illustrious band of *independents*, these real heroes of humanity, firmly believed what though perceived by reason, human theories have enveloped in obscurity, the existence of a superintending Providence, coinciding with the unrestrained exercise of human energies. Discarding inventions which their experience had proved to be the instruments of tyranny, fraud, and imposture; confiding in the success of human exertions, yet humbly confessing their own imperfections; resolutely defending opinions founded on what were then the most recent discoveries, yet establishing no new systems; freely encouraging other communities, and future generations, to be directed by the progressive lights they might acquire; voluntary exiles from an oppressed, but still beloved country, unsubdued by toil, want and disease, they stood upon the margin of an unexplored coast, and surveyed the scenes of surrounding nature. Over their heads, they perceived the radiant source of heat, motion and fertility, a terrestrial image of all pervading and divine beneficence; but on every side, and beneath their feet, they could behold nothing but the heaving ocean, lofty forests, savage beasts and more savage men, the only tenants of an unbroken soil.— They resolved to tame those elements of physical and moral strife, but they never dared to invoke the protection of heaven in favor of injustice, ignorance, or sloth, or otherwise than in aid of their own exertions. They dedicated edifices to God, to justice, and to education; they established homes of freedom for themselves and children; and from the association which was then formed, and the labors which then commenced, have proceeded all the hopes, comforts and security which we enjoy, and all the sympathies with which our hearts are warmed.

But notwithstanding the present prosperity of their descendants, it becomes us all, "to rejoice with trembling." Though we have made great attainments, and have discovered that intelligence, enterprise and industry are best promoted by civil divisions, which excite emulation; though we admit that every division ought to enjoy an entire equality of political rights, it has not been yet as fully demonstrated to our reason and experience, that the security of personal rights can only result from a like equality, and from the harmony of united action; it is not universally perceived, that the rulers of states and nations, not excepting those which are most free, are subject to the same passions and infirmities, and that they invariably display the same vices, as well as virtues, which distinguish the individuals whose interests are confided to their care; that every where, free communities are exposed to the overwhelming power of foreign rivals, to the fatal consequences of civil dissensions, and the no less sure destruction, produced by undermining influences or moral imbecility.

The history of every age, however, attests the truth of these positions, and it is equally certain, that the best virtues of men are counterfeited for purposes of ambition or selfishness, and that the mischiefs to which they tend, can be counteracted only by a wise organization of moral and physical force. Both in small as well as in great communities, there exist alliances of cunning, fraud, chican-

nery, and imposture, to pervert the best institutions. Those who are neither inventors of useful arts, nor promoters of public industry; who neither "toil, nor spin, nor sow, nor reap, nor gather into barns;" who add nothing to the public stock, by their science, ingenuity, or by the assistance they afford, are constantly devising projects to divert the acquisitions of the defenceless men, to their own advantage. These evils admit of no remedies, but wise and impartial legislation, applied with unceasing vigilance.

It is to perform these duties to our constituents, that we are now convened, and in discharging them, I do not doubt that we shall endeavor to govern our conduct by the constitution which the people have established. It is pleasing to reflect, that in many respects our task is more easy and plain, than that which our predecessors have performed.

The outlines of our system are now well defined; our statutes are intelligible to common capacities; while, by luminous commentaries, and by minute reports of decided cases, much of the learning which it has been necessary for practical lawyers to acquire, will hereafter be principally useful in expounding and reconciling our constitutions of government; in adjusting controversies, between citizens of different states, and in maturing a system of natural law. To modify the tendency of every learned science, to create artificial refinements, and to supply the demands of an improving age, a wise, firm, and prudent exercise of the supervising power, will be constantly necessary, to the conservation and advancement of public and personal rights; but the same means which will secure an impartial administration of justice, will equally furnish sure guides and safe analogies, by which to enlighten and direct the wisdom of every grade of legislators.

Next in importance to the laws which protect public peace and order, are those which relate to the accumulation, security and distribution of property. By an ancient law, every man may secure any demand against another, by attaching his person or property, on giving security that he will prosecute his claim to effect, and answer all damages in case of failure. The natural effect of this regulation is, to render the transactions of every man subject to the vigilant observation of all persons interested in his conduct, thereby restraining extravagant enterprizes, and abuses of credit. The experience of a long period, has proved that the principles on which this law is founded, are wise, just and salutary; but since its establishment, which originated when the state was almost exclusively agricultural; since more complex relations of property have been widely diffused by the extension of commerce, arts, and manufactures, and since the incorporation of banks, which are comparatively of recent origin, and as they have gradually acquired a controlling power and influence over the circulating medium and property of the state, it deserves serious consideration, whether the unlimited right of attachment does not now require the interposition of the legislature.

Happily for us, safe and easy remedies exist, by means well known to our laws, which being properly applied, will protect the rights of individuals, without impairing the fair advantages which may be derived from our varied industry, or from banking institutions.

An attachment is nothing more than a temporary lien, created by the will of one party, to secure the acquisition of some legal right, supposed to be denied, or detained by another party. Other liens

are a species of mortgages, created by operation of law, to favor purposes of public utility. They already exist in favor of debts due to the state, and the United States; also in some cases, in favor of factors, mechanics, and manufactures, and for the wages due to seamen and mariners.

The principle upon which liens created by operation of law, are founded, is that all property, public or private, ought to be protected in proportion to the increased value it has acquired, by public regulations, by private advances, or by the application of human labor. Legal liens protect rights, extend credit, and are proofs of improvements in commerce, arts, and civilization. That "the laborer is worthy of his hire," is a divine precept.

In conformity with principle, which I think are analogous to our established institutions, and sanctioned by reason, justice, and religion, I submit to your consideration, the expediency of so modifying the right of attachment, as fully to protect that industry, upon which the elements of all our prosperity depend.

The interests of every mariner, are by law, identified with the ship in which he traverses the ocean. He well knows, that the ship is, or may be rendered specifically responsible for the payment of his wages, notwithstanding any misfortunes which may attend his employers; and we all know, that without this security, all attempts to prosecute maritime commerce would be nugatory. As it is impossible to conceive of any species of property, which is not derived from the spontaneous productions of the soil, or created by industry; as by our system of government all rights ought to be impartially protected; as one man's earnings ought never to be applied to satisfy the debts of another, without his express or implied consent; and as labor on land, is as meritorious as labor on the sea, it seems to be proper that principles which have been established for the protection of mariners, should be applied in analogous cases, for the protection of all persons who perform labor for hire. Though doubts may exist as to the extent to which legal protection should be afforded, yet the justice of the principle, will not, as I conceive, be denied.

I therefore respectfully propose to your consideration, the expediency of declaring by law, that in addition to the rights which now exist, all the personal effects remaining on farms, or in occupied tenements, shall be responsible for the payment of the wages of servants, laborers, and overseers; and generally, of all persons who perform agricultural or other labor for stipulated wages, or hire, during a reasonable period after such wages accrue, notwithstanding any attachment by other persons, or by corporations.

The object of this proposal is, to afford an equal and just protection to every species of subordinate labor; but to provide an equivalent security to the owners and tenants of farms, and other real property, I propose that no attachment on *mesne* process, by other parties, shall be construed to operate so as to vary or defeat any contract between a land owner and tenant, for the payment of rent, or for any shares or deliveries of produce of any kind in lieu thereof; or to subject any articles remaining on farms, to the payment of any debts, in derogation of those specifically subsisting between a land owner and tenant; or to subject to attachment, otherwise than in suits between land owners and tenants, any articles prepared for market, consisting of animal or vegetable food; or the productions of animals, or of plants, or of household manufactures of any

kind, or of raw materials, consisting of wood, iron, metals, or minerals; while remaining in the custody of any factor, agent, mechanic, or manufacturer, or deposited with either of them for sale, distribution, or conversion into manufactures, reserving however to all other persons, their existing rights of proceeding, as in cases of foreign attachment to recover their proportions of the avails of all property attached, after all prior contracts and engagements between land owners, tenants, factors, mechanics, and manufacturers, in relation thereto, have been fulfilled and discharged.

For the protection of carpenters, joiners, painters, and masons, whose labors add to the value of real property, or of shipping, I propose that the buildings, vessels and other erections which they create or repair, shall be responsible for all materials and labor employed thereon, but to be so estimated by a jury, as to refer to the additional value created by such improvements, and not to defeat or impair the rights created by existing mortgages or prior liens.

An almost boundless scene is now opening to the commerce of the United States, and if we are just to ourselves, it may be improved to encourage every kind of internal industry, to extend the principles of free governments, and promote the civilization and happiness of mankind. The most important regulations on these interesting subjects, ought to proceed from the national government, but we can do much to encourage and protect the merchants, and traders of this state: and with these views I recommend a revision of our laws in relation to partnerships, and an extension of them to a principle which though common, for a long period in Europe, has hitherto been but partially recognized in this country.

By an ancient statute to prevent frauds and perjuries, no suit can be maintained upon any contract, subjecting an executor or administrator, upon any special promise to answer damages out of his own estate; or upon any contract made in consideration of marriage; or for the sale of lands; or upon any special promise to answer for the debt, default, or miscarriage of another person: or upon any contract which is not to be performed within one year, unless such contract be made in writing, and signed by the party to be charged therewith. At the revision of the last session, the well approved principles of this law were extended to all contracts for the sale of goods, wares and merchandise, not delivered in whole or in part, for the price of thirty-five dollars or upwards, which to be valid, must now be reduced to writing, or something must be delivered in earnest, to bind the bargain.

But notwithstanding this law, it seems that any commercial partnership may be proved as a parol contract, and of course, real or merely imagined interests, founded on private confidence or friendship, or established by those frauds and perjuries which the law was designed to repress, may occasion tedious, doubtful and ruinous litigations, extremely perplexing and annoying to all concerned in the administration of justice. Nor are these evils the greatest, which may be fairly traced to this discrepancy in the legal system. Owing to the hazards which attend commercial partnerships, they are commonly avoided by prudent men, who, from age or other causes, have retired from active business. The young and enterprising members of the community, are thereby deprived of the aids, counsel and experience, which they ought to derive from those more advanced in life, who, on their part, are compelled to retain their capi-

tals for occasional investments in speculations, or in purchases of stocks, or in usury. To supply the deficiency of capital in active business, recourse is had to confidential and honorary engagements, and the voluntary assignments of property, by which they have been satisfied, have, as is too well known, been a source of great loss, and in many instances, of entire ruin, to other descriptions of creditors, who were, in all cases, equally, and in many, much more honest and meritorious.

To mitigate, if not wholly prevent the mischiefs which have been mentioned, it is worthy of consideration, whether in strict analogy with our laws, it would not be expedient to require, that all contracts by which commercial partnerships are formed, should be reduced to writing, attested by witnesses, and recorded by the town registers, in books to be provided for that special purpose.

It is manifestly proper, that those individuals who are authorized to sign the name of any firm, or to bind by contract, the property of a commercial company, should be known and held responsible to the public; and in my opinion, it is equally clear, that a mode of contract, which has long been known in several parts of Europe, and which in France is styled *SOCIÉTÉ EN COMMANDITE*, ought to be authorized by law, and encouraged in this state. By this contract, a man may advance any proportion of the capital stock of a company, and be remunerated, by receiving a share of the expected profits, in lieu of interest, without being liable for other contributions in case of losses. It may be thought, that an additional security, adapted to our circumstances, would arise from declaring, that the withdrawing of any part of the capital upon which the credit of the company was founded, at any time or in any manner, not stipulated in the original contract, should be deemed fraudulent, and involve a joint and several responsibility of all parties to such transactions, and that no separate partner should be allowed to claim as a creditor of such a company. This may deserve consideration, but if no such provisions were inserted, the credit of commercial partnerships would be more firm than at present, when by being unknown to the public, often founded on capitals derived from confidential engagements which are frequently mutual and always liable to be secretly withdrawn, they afford but little security to the community.

A species of contract, greatly resembling that which is proposed, has long been recognized in relation to the fisheries and other concerns of maritime commerce; and I can conceive of no reason, why it may not with equal safety and advantage, be extended to commercial partnerships on the land. There are many men of property, who from motives of consanguinity, friendship, or expected profit, would entrust a part of their capitals, to the management of young men of prudence, skill and integrity, who could never be induced to expose their whole fortunes to the slightest hazard. The examples and counsel of such men, would afford the most effectual support to active exertions, thereby uniting the caution and experience of age, with the energy of youth, and blending paternal influence, with the consciousness of independent action.

If these principles should meet with your approbation, a way will be prepared, for imitating an example of the ancient and patriotic state of New-*Jeisy*, so far as the same may be applicable to our legal system. This state has declared, by a law passed in February, 1820, that saving the rights of

prior bona fide mortgagees and judgment creditors, all future conveyances and assignments to trustees shall be made for the equal benefit of all creditors, in proportion to their respective just demands, and that all assignments, declaring any preference of one creditor over another, in respect of time, proportion, or amount of dividend, shall be deemed fraudulent and void. These provisions are just and well calculated to prevent great abuses; but I submit to your consideration, whether they would not be more salutary, if adopted in coincidence with other regulations, which would provide for the younger members of our community, the means of acquiring a fair and well defined credit.

Much of the time of congress has been consumed in unavailing attempts to establish uniform regulations, for securing a just distribution of the property, and a fair relief and protection to the persons of bankrupt merchants and traders. The great importance of this subject to the rights, liberty and property of many individuals in this state, to the intercourse of the several states with each other, and its intimate connexions with commerce, individual and national credit and character throughout the world, will, I hope, justify me in briefly expressing my opinion on some of these apparently intricate relations.

The elementary principles upon which a statute of bankruptcy ought to be founded, are few and simple. A man who does not perform his contracts, is either guilty of a voluntary offence, in which case he deserved punishment, or the non-performance is involuntary, in which case he acquires a right to public sympathy and protection. No conditions are more different than those which are produced by crime, and those by misfortune.

By existing laws, every man's contracts may survive his ability to perform them. The effect is to destroy his activity, and produce a civil death, leaving his person burdensome to his friends and the community.

State laws may take and distribute all the property of an individual, but have no operation in releasing his future acquisition from the controul of his creditors; such an effect being considered by the courts, as embraced in the provision of the constitution of the United States which restrains the states from passing laws "impairing the obligations of contracts."

It is the precise and peculiar effect of "laws on the subject of bankruptcies," to dissolve and cancel contracts, after a just distribution of the property of bankrupts. Such laws can be enacted by congress alone, and their power is only restrained by an injunction, that the rule shall be "uniform throughout the United States." Every part of the constitution is marked with the characters of equality and uniformity. Whenever rights exist, they exist equally for all the people under similar circumstances and in like condition.

During every period of thirty years, a mass of property, exceeding in value whatever exists at one time in this country, is, by an invariable law of nature, transferred to new proprietors. Of this innumerable property, a great amount is annually transferred, by the settlement of intestate and insolvent estates. The laws which regulate such proceedings, are, or ought to be, precisely such as are required in statutes of bankruptcy. Rights of dower, and by curtesy, prevail for the relief of bereaved families, and for the support of children, in preference to the rights of creditors, and they furnish

some guide for determining the allowances which ought to be made to innocent bankrupts. If congress cannot be reconciled to such regulations as have been adopted in other countries, they ought at least, to define what acts shall constitute bankruptcies, and to declare what consequences they shall produce, when arising from frauds or from misfortunes. These facts might be ascertained by juries, and if jealousies of the national authority could be dismissed, and the state governments would not restrain their courts and officers from being so employed, the distribution of the property of bankrupts, might be committed to the probate, prerogative and orphan courts of the several states, to be applied on national and impartial principles. The expense and uncertainty of a distinct arrangement of new boards and officers, would be wholly saved; and I do not perceive why civil deaths, occasioned by bankruptcy or insolvency, need to produce any greater disturbance of our system, than is now produced by the natural death of individuals: there being nothing necessarily connected with the questions which would arise, tending to increase or to diminish the authority of the national judiciary, or to vary the relations of the state governments, to the government of the union. Our system of military defence, affords an illustration of the advantages which are derived from uniform regulations, when established by congress, and executed by state laws, adapted by them to local circumstances and customs.

To leave the whole subject unregulated, appears to me to be neither consistent with political prudence nor with justice. All personal rights secured by the constitution, demanded protection. Rights of property, to a vast amount, are depending, which will be regulated in some manner. If the laws of the states should, in any instances, be partial to their own citizens, and adverse to the rights of those of other states, or of foreigners, they will, in the absence of efficient legal remedies, be counteracted by retaliatory measures, inauspicious to the public tranquility, or portentous of a gradual dissolution of our union. It was to obviate such dangers, that the provision in the constitution, securing equal rights, was adopted. If you should approve the sentiments I have expressed, a resolution to that effect would, doubtless, secure the just influence of this state, on the decision of this question.

I have, on more than one occasion, expressed my opinions, respecting banking institutions. That, under wise management, they are well calculated to accumulate and preserve metallic money; that they may be rendered safe places of deposit for the property of women, children, aged persons, trustees, and corporate bodies is certain. That they promote punctuality, accelerate negociations, and may extend credit, assist active industry, and beneficially regulate exchange, within the spheres of their just influence, ought not to be denied. Like fire, they are useful while under control; but when ungovernable, they are destructive to themselves and to all around them.

The operations of all banks are limited by those of commerce, the invariable tendency of which is, to equalize the prices of exchangeable commodities. The inequalities which temporarily exist, are liquidated by bills of exchange, which demand payment in gold or silver. These metals are the only conventional measures of value throughout the civilized world, and their power, and the effects which they invariably produce, can no more be

permanently controlled than the motions of the atmosphere.

That the banks in this state as well deserve the credit which they enjoy, as any in this country, ought, I believe, to be admitted; and, having stated the advantages which may be derived from them, it remains to consider whether some limitations of their present powers are not necessary, to secure the people against those abuses to which these institutions are peculiarly liable.

The banks in this state are confined to a trade in bills of exchange, silver, or gold bullion, and to the sale of property pledged or taken for the security of debts; and, in the prosecution of this trade, they may issue circulating notes, payable in money, a privilege which is denied to individuals.

By the trade which is authorized, and as it is now conducted, the banks acquire a control over the circulating currency. It is prosecuted by men distinguished for wealth, sagacity, and information, in all the concerns of business, assisted by no inconsiderable proportion of the best legal talents of this country, which are combined and concentrated in the support of their interests. The loans of banks are generally made for periods not exceeding three months, secured always by one, and usually by two indorsers. During the recurrence of periods shorter than those which are necessary to prepare any articles of agricultural produce for market, and of most articles of manufacturing or mechanical skill, so as to acquire a fair exchangeable value, and against the combined array of the wealth, talents and learning, which have been described, there always exists a mass of property and a value of labor, of every variety which can be named, exposed to attachments planned in secret consultations, the loss or even stagnation of which would agitate the whole community. The same evil would arise from the failure of banks, when produced by mismanagement, violence or fraud.

It is no sufficient reply to this statement of undeniable facts, to say, that the danger of such evils is remote, and improbable in respect to us. That they have all happened in the United States, and that a great and interesting part of our country is now suffering the most distressing privations from these causes, is certain. The existence of a single case would be sufficient to prove that the power is dangerous, odious, unnecessary to the security, and, therefore, opposed to the true interests of the banks, and that it ought to be restrained by law.

With a view to the restraints which I consider as proper and necessary, I have assumed as axioms—

First, That the wages of labor ought never to be defeated by attachments of the property created by that labor, which ought to remain charged with the payment thereof, during a reasonable period after such wages accrue.

Second, That the contracts between land owners and the lessees of hired farms and rented tenements, are, in their nature, founded in confidence and friendship, and that here they are designed to promote industry, by encouraging men whose chief or only property consists in skill, labor and honesty, which ought never to be defeated, but always encouraged by law.

Third, That the contracts of both descriptions of men, with those mechanics, manufacturers, and with the factors whom they employ, in all branches of business which add to the value of property, or are concerned in the primary distributions of the productions of domestic industry, ought to be protected, so far as the direct relations of these primary interests are concerned.

I think it is evident that the connections which have been recited, are those by which alone money is ever acquired to satisfy any contracts; that they embrace the elementary combinations of agriculture, arts and commerce; and that any cause which interrupts these connections, tends to dislocate those bonds of confidential intercourse which unite mankind, and can be only favorable to the interests of those who accumulate property by purchases at sales by sheriffs and auctioneers, thereby speculating on the misfortunes which they not unfrequently create.

These conclusions are manifestly just, as the claims of banks can never be ultimately satisfied, otherwise than with that money over which they possess an almost exclusive control. It can, therefore, never be their interest, as corporate bodies, to interrupt the labors or to diminish the profits of that productive industry, which creates accumulations. There vigilance is alone usefully employed, when, by denials of credit, they restrain hazardous and unprofitable enterprizes, and their superior and almost exclusive advantages for deciding what credits are safe and proper, render it entirely equitable, that, in securing their own demands, they should extend their protection to those industrious orders of society whose credits are founded on the previous advances of these corporations. If these principles should be engrafted on our law of attachment, I do not perceive why banks may not be rendered highly useful to the public; otherwise their influence must create a dependant spirit, which ought not to exist in a free community.

The right to coin money, is a high power entrusted by all civilized nations to the supreme authority; and, in this country, it has accordingly been expressly and exclusively confided to congress.—Our legal standard consistsof gold and silver coins, the value of which has been declared by law. Our actual currency now consists of bank notes: these notes are in no sense money; and, at best, they can only be considered as bills of exchange on the place where they are made payable.

It appears, from the charters of all the banks, that the power to issue notes was intended to be only incidental, and auxiliary to a trade in gold and silver bullion. This trade has, however, by issues of small circulating notes, been transferred to foreign commerce, leaving the interior interests of this great country wholly dependant on its fluctuations.

The only effectual control over the operations of banks, as they are now managed, arises from the negotiations of the general treasury, which are conducted through the bank of the United States. This control is essentially assisted by the re-actions which are created by the exchange brokers, and by the mutual jealousies of all the banks. The impatience which is always manifested under these salutary restraints, and the frequent and sudden vibrations in the state of the currency which they occasion, are unfavorable to industry, and prove, that an equilibrium which is only maintained by a constant conflict of active, yet opposing principles, is very precarious.

Several of the middle states have perceived this danger, and have restrained their banks from issuing notes below five dollars, which will secure to their people a silver currency. The currency of gold will never re-appear unless the restraints upon banks are carried still farther, accompanied with an extensive coinage of gold, and an equalization of our exchange with Europe, which will soon be

produced, either by the policy of our government or the general poverty of our country.

I am not informed of the present state of the northern banks, and am only desirous of promoting their true interests, which, when well understood, are always compatible with the interests of the people. Evils which have been long accumulating, are, when any delays can be permitted, most safely and effectually corrected by mild remedies, gradually applied; but, in my opinion, it is an evasion of the principles of the constitution to permit the banks to substitute their notes for the legal currency of the country. The unit of silver, at least, which may be required of every man in his daily transactions, ought not to rest where it cannot be constantly and conveniently commanded. An appeal may be safely made to the convictions of every intelligent banker, and to the conscience of every honest man, for the truth of the following positions. The notes of banks are a manufacture of which the fabrication is not more difficult than that of several other manufactures which are in common use. Whatever any art can create, an equal or superior art can imitate. Accordingly, it is seen that notes are counterfeited, which deceive the managers of banks and the most skillful of exchange brokers. The number of frauds which are thus committed upon the people, cannot be conjectured; but they are known to be frequent and widely extended. The counterfeit notes in circulation, equally with those which are genuine, limit and expel the circulation of metallic money. The frauds are, in most instances, practised upon men whose residence is distant from the banks where they are represented to be payable; they tempt thoughtless persons, who have themselves been deceived, to the commission of crimes. Even the genuine notes are necessarily entrusted to persons who are too frequently found to possess unstable principles, and who subject stockholders to great and sometimes to ruinous losses. It cannot be proper, or even just, that such a currency should be offered to the honest, industrious and unsuspecting people of this country, as a substitute for that which is established by our fundamental laws, and which is founded on the uniform, inimitable, and imperishable elaborations of nature.

The stockholders in all banks are equally interested with the other members of the community in correcting this great abuse of credit. The present is a fit time to commence the operation. A commerce with the countries which produce the most abundant supplies of gold and silver, and where, from the state of their industry, these metals constitute an essential branch of their exports, is now unfolding. If this commerce should commence with the diffusion of circulating paper, the advantages and security which it might afford to this country, will be transferred to Europe; and if, in consequence of the vibrations to which all commerce is exposed, we should be overwhelmed by a paper medium, during a period of misfortunes, the greatest evils and dangers may be anticipated; although, in connection with a system of wise restrictions, the banking system might, even now, be safely extended, or suffered to rest on the aids of private credit.

In a review of past transactions, connected with proposals for future improvements, it would be a great omission not to notice our establishments for promoting education. These are in a flourishing condition, and are the glory of this state. During a considerable period, Yale college was an advanced station on the frontiers of American literature.

I shall leave to history the duty of awakening the public memory to the names of eminent men, distinguished in every branch of human knowledge, and of recounting the services they have rendered to the cause of science and virtue. We are now surrounded by enlightened and opulent communities, whose literary establishments are rising, or have risen, to an equality with our own. Their great success can excite no unpleasant emotions in our breasts, because it is merely the accomplishment of purposes which we have constantly labored to promote. We can only fail in performing our duties, when we forget that the services of preceding generations, are pledges for the duties which we owe to posterity; that in an age of general improvement, whatever is not advancing, is at least relatively declining; that for a long time, we shall continue to be a colonizing state, and that our sons who leave us, can only acquire that equal station in society, which will be allotted to their virtues and intellectual attainments.

All human duties relate to God, or to our fellow men. The first are revealed, and it is the right of every man to interpret them according to the dictates of his own conscience. Education relates to our social duties, which arise from our intellectual or physical capabilities; and that system is best which most rapidly and most extensively imparts to successive generations, the knowledge of whatever has been, or can be known, with the faculty of performing whatever has been, or can be performed. As we cannot yet perceive the boundaries of human capacity, we can only be certain, that the conduct of men ought to be subject to no other restraints, than such as are imposed by religion and morality, and that within these limits, intellectual attainments are the most valuable, and ought to be respected as the most inviolable, property we can possess.

Our common schools, after having been diffused throughout the state, and liberally endowed, on principles of entire equality, have been committed to the protection of the people at large. No duties therefore remain unperformed by the legislature, but to observe with vigilant attention, whether the system which their wisdom has formed, is duly executed; to supply such deficiencies as time may discover, and to aid such improvements, adapted to our circumstances, as the experience of this, or any other country, may recommend to our adoption.

Without intending to intimate that any defects, either in the system or in the management, have yet been discovered, I cannot deem it useless to suggest, that the efficiency of our system of education, will always depend upon the capacity and skill of the instructors, who are, from time to time, employed in the primary school. It was never intended, that the contributions from the school fund, should be a full substitute for those which the districts may raise, by taxing their members. In every district, such instructors only ought to be employed as are capable of raising the grade of education to such a point as the minds of the pupils are generally capable of sustaining. The difference between what is passable, and what is excellent, is immense; while economy is always a noble virtue; parsimony is frequently a degrading vice; and mediocrity ought to command as little respect in a school, as in a college; it will every where, and at all times, evince an ascendancy of feeble views, or a "withholding of more than is meet, tending to poverty," of the most abject nature, the poverty of intellect.

In conformity with the laws of nature, which are always wise, provision is made in our system, for instituting schools of a higher order than those which may be established by the districts. These are precious institutions, well adapted to encourage still higher advances in science. A third grade might be introduced, or perhaps engrafted on some of our existing academies, with great benefit to the state, and with as high a probability of profit, as any investment of capital within my knowledge. In such institutions, the indispensable attentions to religion and morality might be united with instruction, in all those branches of physical science and knowledge which impart to youth, intelligence, vigor and energy, in all those concerns of active life to which they may be devoted. A college in the state of Vermont, is now conducted on these principles, and I have no doubt that it is one of the most useful institutions in this country.

In connection with this suggestion, I deem it my duty to observe, that the *Journal of Science*, which has for some time been published at New Haven, and conducted by one of the professors of Yale college has acquired a circulation throughout the U. States, and has established an extensive correspondence in the most polished and literary nations of Europe. Its object is to render common to this country and to the world, a knowledge of our vast resources, connected with notices of the means of rendering all discoveries and inventions, both here and elsewhere, useful to ourselves and to mankind. While pursuing its silent and unobtrusive career, it has conferred a celebrity on the state and on the college, which they never before derived from any single publication. Neither the literary labors, nor even the publication, have derived any aid from the funds of the state, or the college, but have hitherto been wholly gratuitous and unrewarded. I most earnestly recommend this Journal to your protection, that, after a proper inquiry, you may decide whether any, or what assistance, is necessary to insure it against any hazard of a decline, and that if practicable, its utility may be still further augmented.

A laudable zeal for promoting internal improvements, has been excited by the brilliant examples of neighboring states; and I have received intimations, that memorials will be presented, soliciting assistance from this state. I possess no means of forming any opinion of the comparative merits of these applications, and entertain no doubt, that they will all receive from you that impartial attention, which a respect to public sentiment and the interests of our constituents demand.

It is certain, that all grants of money ought to be limited by our resources; that the people ought not to be subjected to burdensome taxes, and that the conservative power ought to be exerted, to protect individuals against visionary speculations and expensive projects, which would cause their impoverishment. On the other hand, great caution is necessary not to depress the rising spirit of the age. It will doubtless be recollected, that wise expenditures augment, instead of diminishing the public income; that it is always proper to encourage the employment of private wealth, in such objects of public utility as produce new accumulations, and that we ought not to suffer the people to feel any relative discouragement; for though we are less opulent than our neighbors, I have no doubt that we are their superiors in economy, and that whatever they have usefully accomplished, can be repeated here, with at least equal advantages, on a

scale proportioned to our comparative territory and population.

But it ought, in my opinion, to be constantly recollected, that our system of taxation will be tolerable only while the public expenditures are principally confined, as at present, to those which are required by towns, societies, and other local and subordinate jurisdictions, and that if taxes on the general list, which fall principally on farmers, should be greatly increased, their burdens would be rendered unequal, and a value of industry be discouraged in some towns, equal to that of the proposed improvements. Benefits which would be common to all, or at least not injurious to any interests, ought to be the objects of our pursuit.

There exists one subject of taxation, which I have before presented to your view, which would be beneficial to every interest, as a mere regulation of police, independent of its great financial advantages. With it, a fund may be created, upon which we may at once commence a vigorous system of internal improvement; without it, or some other equivalent auxiliary revenue, I am persuaded that all our efforts must be feeble and disunited. An excise on the consumption of distilled spirits, might be collected, at a very moderate expense, by one officer in each county. Whatever duty was imposed, would be refunded with profit, to the retailers, as it would wholly fall upon the consumers. It ought to be no part of our ambition, to retail ardent spirits at low prices. The principal consumers are improvident men, who frequently ruin themselves, distress their families, and greatly add to the expenses of towns. It is morally right, that they should repair the evils they create, and it is by taxation alone, that this effect can be produced. To many individuals, who are not ruined, the expense is hurtful, and in the degree in which the consumption of spirits is innocent, the tax would be voluntary, light, and insensibly paid.

Probably distillation is the art most injurious to mankind, which was ever invented. As however, this art furnishes a market for grain and fruits, which are productions of our soil; as it supplies articles of commerce to states and countries without our jurisdiction; as reformations ought to commence at home, and with those who propose them; as distillation is every where practised, and as it would be worse than useless, to extend restrictions, which would be injurious to ourselves, without being beneficial to others; I submit to your consideration, whether the distillers and importers in this state, might not be exempted from any duty on being required not to sell ardent spirits, in less quantities than a single barrel, and in this state, only to licensed retailers, and also to render accounts to the excise officers, of the quantities sold, and the persons to whom distributed. Such regulations would facilitate the collection of the revenue, and render the tax equal among the venders. A well devised system on this subject, would be every where supported by all conscientious men, and would furnish a title to the lasting gratitude of the people.

The institutions of this state have acquired a high degree of maturity, and they rest on the surest of all foundations, the affections and confidence of the people; they form parts of a more extended system of administration, the permanency and order of which, are essential to the common security. The subjects which I have presented to your consideration, are of great importance, and I am unconscious of any motives, which could mislead judgment, which ought to be impartially and ex-

clusively directed to the advancement of the public good. Being however convinced, that all human views are fallible, and reposing entire confidence in your candor and wisdom, I respectfully submit them to your decision.

OLIVER WOLCOTT.

General assembly,
May session, A. D. 1822.

CHRONICLE.

Naval. The report of the loss of a party belonging to the U. S. ship *Franklin*, is mournfully true. It consisted of seven officers, viz: lieutenant James N. Perry, Dr. Cornelius C. De Puy, Midshipmen Robert Marshall, John Cremer, Edward Prebly, Robert B. Coffin, and Reuben R. Pinkham, and three seamen, named John Smith, 1st, Melancton C. Read, and William M'Daniels, who left the ship in one of her boats, with the design of visiting Quintera, a small town sixteen miles to the northward of Valparaiso, formerly the residence of lord Cochrane. On nearing the shore, they unexpectedly found a high surf rolling in, and attempting to pass through it, in order to gain the usual landing place, the boat was overwhelmed by a tremendous surge, which capsized her and threw the whole party into the sea. Mid'n Pinkham and the lad M'Daniels were the only persons who escaped to relate the dreadful tidings! Messrs Marshall and Cremer, although excellent swimmers, disappeared very soon, and it is supposed were carried down by one of the seamen who was unable to swim, as he was seen holding Marshall by the coat.

It appears as if lieutenant Perry might have saved himself, had he been less anxious about the preservation of the lives of others. The event threw a great gloom over the whole crew of the *Franklin*, for among those lost were some of the most promising young men belonging to the navy. Several of the bodies were recovered and decently interred. The chaplain of the ship, the rev. Mr. Andrews, delivered an impressive and appropriate address on the occasion.

Lieut. Perry was a brother of the late commodore, and deserving of the name. He was in the battle of Erie, quite a boy, only 12 or 13 years old, and received a sword from congress for his gallantry and good conduct.

In the passage out, the *Franklin* lost three men by accidents. She was still at Valparaiso.

The *Macedonian* frigate was at Port au Prince on the 18th of June, and the ship *Hornet* sailed from thence on a cruise about the 20th. The people and government are well disposed towards the United States.

The report that a party of our seamen were killed in Cuba, near Cape Antonio, is refuted by letters from on board the *Grampus*—which vessel, as well as the *Shark*, has been very active in pursuit of the pirates, chasing them sometimes in shoal water and small inlets, with boats, &c. but as yet without any remarkable success as to the capture of men, though they have taken several small vessels. "To-morrow," says the last letter from the *Grampus*, "we are off for Sagua la Grande, where Raphaelina's squadron are lying and frolicking away their prize money, said to amount to 180,000 dollars. The expedition is under captain Perry, of the *Shark*, and consists of one schooner of 80 tons, a prize; one of 20 tons, do.; two launches, two cutters, one gig, and a piratical boat; carrying, in

all, about 80 men, well armed with an 18, 12, and 6 pound carronade, and 3 one pound swivels, extra muskets, &c."

Died, recently, at Norwich, Vermont, Samuel White, aged one hundred years, eight months and ten days.

Mount Vernon. Judge Washington, who, it appears, has been intruded upon by eating, drinking and dancing parties, has prohibited their entry upon his grounds at Mount Vernon—but he says that respectable strangers and others, be their condition in life what it may, who have a curiosity to visit the place, shall be politely attended to at all times, (Sundays excepted), as heretofore.

Domestic emigration. Many cases occur of families emigrating from the old states west, marching on foot and drawing a light waggon themselves, for the transportation of the few articles necessary to their support on the road. One of these vehicles lately passed through Greenville, Ten. from North Carolina. The man in the shafts, was harnessed with a collar and traces—the rest of the family, according to their strength, pulled with ropes conveniently fixed to the carriage. There is instruction in this incident—it is an evidence of the progress of things; but its monition is of a melancholy character.

Trial of Ned. A negro fellow so named, was tried and condemned at Norfolk on the 19th inst. for the crime of committing a rape on the person of a respectable white woman. He was found guilty, and the decision of the court was received with a burst of applause!

Raspberries. Twenty thousand four hundred and forty-five baskets of raspberries are certified by the deputy clerk of the market, Mr. E. Frost, to have been sold in Fulton market, New-York, in one day.

New-Hampshire salaries. Governor \$1,200, treasurer 600; counsellors, senators and representatives \$2 per diem; secretary of state 500, attorney general 800.

South Carolina. Six negro men, one of them free, and the rest slaves, were executed at Charleston on the 2nd inst. pursuant to a sentence of death passed on them three or four days before, for being engaged in an attempt to raise an insurrection of the blacks. The design appears to have been a pretty formidable one. Three of them were slaves of the governor of the state, and one of these was to have had his daughter, a beautiful young lady, as part of his share of the spoils, on the destruction of her father and the whites. The plot was discovered three days before the time appointed for its accomplishment.

Richmond, June 26. Several thousand bushels of new wheat have been brought to this city and sold at \$1 33.

Savannah, July 1. Case of the Apollo.—The commissioners appointed by the decree of the district judge have awarded to Emelius Bringeon, of Havre, owner of the French ship *Apollo*, Edou, master, \$25,000. The *Apollo* was seized by the collector of St. Mary's, in Sept. 1820, for an alleged violation of the act imposing a duty of \$18, per ton on French vessels, passed the 15th May, 1820, and that a decree was passed, *pro forma*, in the March following, in the admiralty court, Georgia district, awarding restitution of vessel and cargo, leaving the question of costs and damages open to adjudication. The above is the result.—*Georgian*.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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MR. ADAMS' REJOINDER. When, from the nature of things and in pursuance of the chief design of this work, we feel obligated to publish long articles, it is always an object to give them a prompt insertion—that they may serve some of our readers as *news* as well as for purposes of reference. On this principle, we have broken up the whole arrangement of this week's paper, to make room for Mr. Adam's rejoinder to Mr. Russell's reply, which, we have no doubt, will be eagerly read. One of my neighbors has said that it is *annihilatory*.

Among the articles thrown out, is our calculations and remarks on the progress and location of the population of the United States—an essay of much labor and considerable length, making about five pages. It is in type and will appear in the next REGISTER.

MANUEL TORRES, esq. who was recently received by the president of the United States, as minister from the republic of Colombia, died at Hamiltonville, adjoining Philadelphia, on Monday last, in the 58th year of his age. All who had the pleasure of an acquaintance with this excellent man while living, will lament him dead. He was a profound philosopher and an inflexible republican. We shall, hereafter, insert a more particular notice of our departed friend.

WAR. The editor of the "Intelligencer," published at *Vandalia*, in Illinois, speaking of the rumors of war between Russia and Turkey, says—

"War is a great moral evil, yet it is probably the fact that our community look upon the approaching difficulties in Europe without regret. We profit by the mad ambition of princes and kings, and from our situation reap all the benefits of a foreign war. In this section of the country, we need something to give life to business, and a price to our produce. Eighteen cents for corn, and two dollars for pork, is but a poor reward to the industrious farmer, when it is taken into consideration, that for every article he consumes in his family, he pays some 2 or 300 per cent. higher prices than the same can be purchased for on the sea board. This, however, is only a lesson to teach us to rely upon our own resources, to manufacture our hemp and cotton into fabrics, which the pressure of the times will compel us ultimately to use, and, when generally adopted, will answer all the purposes of pride and comfort."

☞ The fact is really so, and the conclusion a good one. Many very *placid* persons truly wish a war in Europe, that will involve the whole continent dear charitable souls, that they may make a little paltry profit out of the blood of their fellow men. This is the morality of trade—the prop of our revenue system, which depends on the disasters of other nations. But the lesson alluded to is a good one, and we trust will be attended to—we venture to assure the editor of the "Intelligencer," that the establishment of some manufactory at *Vandalia* that would employ only 100 persons, will do more benefit to that place and its neighborhood, in the way of furnishing a market, than the slaughter of 500,000 Turks by the Russian "deliverer."

RAPID PRINTING. A new novel called the "Fortunes of Nigel," by the author of *Waverley*, &c. containing upwards of five hundred pages duodecimo, was put into the hands of workmen on Thursday morning, at New York, and by 8 o'clock, on the morning of the Saturday following, printed, done up and for sale in the different book stores.

THE NILE. A letter from an American gentleman, (attached to the army of Ishmael Pacha, who has conquered the countries on the Upper Nile), addressed to his father, in Boston, says—"I have had the honor of having contributed to the success of a most extraordinary expedition, which has been singularly successful, and of being the first civilized man that was ever on the banks of the Great Behir el Abiad, which we have ascertained to be the main branch of the Nile, and probably the *Niger*. The singularity of this having fallen to the lot of a native of the new world, attaches, in the opinion of Europeans, no little honor to myself, and I hope will bring some to my country."

SPECIE has been passing from city to city, to and fro, for some time past, with unprecedented activity. We come to the conclusion that things are settling down, from a considerable cessation of its transport, though a good deal is yet sent from one place to another, and then brought back again—for the encouragement of steam boat and stage owners.

AMERICAN CUTLERY. We have now before us three pocket or pen knives, made at Pittsburg, Pa. and commonly sold in the shops of that city and its neighborhood—a 4 bladed knife, at 150 cents, a 2 bladed knife, at 62½ cents, and one with a single blade, at 12½ cents. These are the *retail* prices, and as low as knives of like quality can be fairly imported and sold at. This is what we did not expect. We have seen knives of Pittsburg manufacture that cost \$5; which, in every apparent quality, rivalled the best products of Sheffield, at a similar amount of price; and excellent razors are also made at the same place. These things are furnished by regular manufacturers. We also observe extensive establishments at New York, wherein taylor's shears, scissors, pen knives and razors are made, and warranted to be of the best quality. One of the great advantages of home manufactures is the *direct responsibility* of the manufacturer to the public—which is just as wholesome, in itself, in a maker of razors, as in a maker of treaties with foreign nations, or of contracts that involve millions of the people's money.

EMPLOYMENT. A letter from one of our naval stations informs, that the carpenter, blacksmith, &c. having nothing to do on *public* account, have been very considerably put to work by the commanding officer to build an addition to *his own* house. As these persons are paid by the United States, it is surely right that they should have something to do; but we most sincerely wish, as we have several times expressed ourselves, that a wholesome purgation may be made in this popular arm of the national defence to preserve its efficiency—which, if once lost, is hard to be regained. The times demand

economy—but we are not friendly to parsimony. Let the good, in all our institutions, be preserved, but the bad be lopped off, that the good may not suffer.

QUANTUM SUFFICIT. The friends of two persons kept the press a going for nearly six months about their terrible design of killing one another; and, at last, they met and each discharged a pistol: one man's ball entered the earth and that of the other entered his opponent's back, from whence it was taken out without much injury. Again the papers are stuffed with details of the fight, insinuations and recriminations; and these wicked things are circulated from Georgia to Maine. *It is an outrage on common decency.* Nine-tenths of the people of the United States wished that both of these persons should have been disgraced or killed on the spot—from the abominable splutter that was made about their "affair," and without enmity to either—but, for the sake of the example, which they or their friends—"good natured friends," have set before the people. We hope that our "brothers of the type" will suffer these, and all others so disposed, to shoot at one another—just when they please. The sooner we are rid of such logicians the better: and if they choose to reason in this way, why should the public repose be disturbed by it? The sun will rise and set just the same if all such are sacrificed to their own god, Moloch. "Let them manage their own affairs in their own way."

We observe that those persons were frequently toasted, or rather *roasted*, at the late anniversary. We have ten or twelve of the sentiments expressed on that occasion before us. The following are two of them—the names of the parties are given, which we have suppressed.

Drank at Harper's Ferry. "More powder to duellists, and less 'comfort' four hours after receiving their antagonist's ball."

At Washington, Penn. "No political evil can arise from allowing bullies, rakes and sharpers to rid the world of each other, where the law has been unable to devise an expedient."

Others, less severe, are of quite a merry character—turning the whole thing into ridicule.

TOASTS. The "man of Orleans" has been remembered in the flowing cup, on the late anniversary. The name of *Jackson* is as imperishable as the history of his country. It gives precedence only to such of those as gave impulse and power to the "ball of revolution," when *independence* is commemorated.

LA FAYETTE—the illustrious, true to the principles for which he drew his sword in his youth, is now the only surviving general that fought for the liberties of the United States. It must be a melancholy, yet a proud thought, to this revered foreigner—who is one of "nature's noblemen." The fact is brought to memory by the following toast drank at Savannah—"The sole surviving general who fought with Washington and Greene!"—When the brave La Fayette shall die, his epitaph shall be found in the pages of our history, and his mausoleum in the hearts of Americans."

MR. RANDOLPH, in England, appears to lose no suitable opportunity of making a speech. In a sketch of what took place at a meeting of the African institution (see page 325), we heard from him; and since that we notice he was at a meeting of the "British and Foreign School Society," at London,

on the 16th of May, about which the "Times" observes—

"Mr. Randolph (of the American congress), proposed a vote of thanks to his grace the duke of Bedford, and the noblemen and gentlemen vice patrons of the society. He dwelt upon the honors and virtues of the house of Russell, and of the other names which were the objects of his resolution, among which were those of the nobleman who is at the head of the Catholics of Ireland, and the venerable bishop of Norwich."

COBBETT. We have noticed the writings of this queer man in our last. Under date of the 29th of May, he says—"The crops, of all kinds, promise to be good. Frosts and blights may come to the aid of the over-production men, to be sure; but, at present there is every appearance of a tremendous produce; of a most awful visitation of abundance. What are to be the consequences, God only knows! But, amongst them will be, in all likelihood, good wheat at four shillings a bushel; and that will do pretty nearly all that I am anxious to see done. I think there can be no positive danger in praying for a good crop and fine harvest. One will hardly get into jail for that. At any rate, pray for them I do, and pray for them I will; and, as the prayers of the righteous availeth much, I call on all the radicals to join me."

There is a great deal of meaning in what Cobbett calls "a most awful visitation of abundance," for, indeed, there is nothing so injurious to the "borough-mongers," the great landholders and the government also, as an *abundant crop*.—With wheat at 4s. per bushel, no matter if the crop is exceedingly large, the taxes, poor rates and tythes cannot be paid. A certain money-amount rests on them, and one bushel of wheat at 10s. will do as much toward their payment, as two and a half bushels at 4s. and all the products of the farmer are in the same proportion. Hence it is that the English people pay an average of twice as much for bread stuffs as they might receive them at from foreign countries, through the operation of the corn laws. For years past, an abundant harvest has always filled the English jails with industrious farmers.

SOMETHING OLD. Extract of a letter to the editor from a gentleman in the south. "Mr. R. an old revolutioner, who often calls on me to have the REGISTER read to him, has observed some of your remarks about the tories, and requested me to tell you that he is acquainted with about sixty of that race of people and their immediate descendants, who are all afflicted with sore legs—he believes this is a judgment, the mark of Cain upon them, 'his majesty's' coat of arms: and wishes to know whether the old tories in your part of the country are thus conditioned."

In reply, we have only to say that we have not noticed or before heard of this mark on the shins of those who opposed the independence of their country—and indeed, in this "era of good feelings," it might be considered as rather out-of-the-way to think of such a thing—but "old revolutioners" have the right to do so, if they please, though Mr. *Wulsh* may believe it rude to make any distinction between a republican and monarchist—and *Hall*, of the "Port Folio," will support it that no other than a person of the latter character, can be a respectable man—as *Hall* himself is, and a veritable one, likewise. For my own part, I do believe that republicanism means something, and the "Blue-

lights" were not honest lights. It is true, such notions are *unfashionable* just now—but I am too old to learn to love a traitor to liberty or an unjust man, at home or abroad.

STATISTICAL ARTICLES.

Trade of Great Britain. An official return to an order of the house of commons, states the grand total of the official value of imports into Great Britain and Ireland, in the year ending 5th January:—

1819	£40,135,952	2	0
1820	33,625,740	17	6
1821	36,514,564	11	6
1822	35,838,038	18	1

Grand total of the official value of exports of British and Irish produce and manufactures in the year ending 5th January:

1819	£44,370,653	2	2
1820	35,657,029	0	1
1821	40,240,277	10	2
1822	43,111,474	15	8

Foreign and colonial merchandise exported in the year ending 5th January:

1819	£12,287,274	15	0
1820	11,278,076	17	6
1821	11,490,539	8	8
1822	12,039,930	15	2

Total exports for the year ending 5th January:

1819	£56,857,927	17	2
1820	46,935,105	17	7
1821	51,730,616	18	10
1822	55,151,414	10	10

It appears from the above statement, that the total exports of last year exceeded the amount in the preceding year to the extent of nearly three millions and a half; but that there is a decrease in the imports of upwards of half a million.

British finances. It appears from an abstract in a London paper now before us, that the total amount of the national debt of England and Ireland was, on the 5th of Jan. last, 866,629,576*l*; the amount of debt contracted in the year ending at the above date, 17,353,387*l*; the amount of debt redeemed, 23,605,931*l*—total unredeemed debt, 795,312,767*l*; total unfunded debt, 41,477,789*l*; total unredeemed and unfunded debt, 836,790,557*l*. If it be true that "a national debt is a national blessing," England is the most favored nation upon the globe—for her blessings are constantly multiplying. Let the United States take warning, and beware of treading in the same path.

French finance. From an official statement of the results of the French budget for 1822, it appears that the surplus of the receipts over the expenses is 13,982,006 francs. The amount of the national debt, consisting of 5 per cent. consols, on the 1st of Jan. 1822, and including 3,701,000 of *rentes* to be inscribed in the course of the present year, is 180,364,000 fr. The sum appropriated to the sinking fund is 40,000,000 of francs a year. The fund besides possessed on the 1st of January last, 33,047,000 francs of *rentes*, which makes the sum to be employed this year, in purchasing 5 per cent. consols, 65,047,000 francs, independently of the woods consigned to this fund, and the arrears of *rentes*, redeemed since the 1st of Jan. 1822. The entire amount redeemed in *rentes* up to the 1st of April, in the present year, is 27,358,000 francs. This statement also exhibits a comparison of the budgets for the years 1817 to 1822. In the year 1817, there existed a deficit of 349,000,000 francs for which 30,000,000 francs of *rentes* were created. In 1818 the deficit was 233,600,000 francs, and the

creation of *rentes* 16,000,000. After this year, France, having shaken off the burthen of the foreign armies, began to exhibit a balance on the favorable side of the account. The surplus of the receipt above the expenditure of 1819, was 4,458,000 francs; and the legislature, confiding in the increase of this surplus, ventured immediately to reduce taxes to the amount of 15,000,000 francs. In 1820, the surplus was 25,000,000 francs. In 1821, the surplus was 20,000,000 francs, followed by a further reduction of taxes to the amount of 17,000,000 fr. For 1822, the excess of revenue over expenditure is estimated at 13,982,000 francs, and 34,000,000 francs have been remitted in taxes. [If a national debt is a national blessing, France is in a fair way to be deprived of it.]

DEPARTMENT OF STATE, Washington, 15th July, 1822. The following is a copy* and translation of the decision of his imperial majesty the emperor of all the Russias, upon the question submitted to him by the governments of the United States and of Great Britain, by virtue of the convention of the 20th October, 1818, of the true intent and meaning of that part of the first article of the treaty of Ghent, by which it was stipulated that "all territory, places, and possessions, whatsoever, taken by either party from the other, during the war, or which might be taken after the signing of the said treaty, excepting only the islands thereafter mentioned, should be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property originally captured in said forts or places, which should remain therein upon the exchange of the ratifications of the said treaty, or any slaves or other private property."

TRANSLATION.

The emperor is of opinion, "that the United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories."

"That the United States are entitled to consider, as having been so carried away, all such slaves as may have been transported, from the above mentioned territories on board of the British vessels within the waters of the said territories, and who for this reason have not been restored."

"But if there should be any American slaves who were carried away from territories of which the 1st article of the treaty of Ghent has not stipulated the restitution to the United States, the states are not to claim an indemnification for the said slaves."

It will be observed that this is merely the decision of his imperial majesty, upon the question submitted to him.

With regard to the measures, and arrangements between the parties to the submission for carrying it into execution, notice of them will be given, for the information of all persons interested therein, as soon as they shall be known.

FOREIGN NEWS. By several arrivals at New York, London papers of the 6th of June have been received. Abstracts and extracts follow.

Great Britain and Ireland. The navigation bill

*We have not thought it necessary to insert the "copy."
Ed. Reg.

has passed the house of commons. Mr. Canning goes out to India as governor general, in the Jupiter of 50 guns. It is stated that Mr. Baring, the banker, and his wife, were seized by a band of robbers between Rome and Naples, and compelled to purchase their lives with a "ransom of millions." Carlisle's shopman, who refused to give up his name, has been tried and convicted of a libel under the appellation of "a man whose name is unknown." Hunt's period of imprisonment has expired, and he was liberated. The Superb 74, has arrived at Portsmouth, from Lima, &c. with 2 millions of dollars for merchants. The West India and American trade bill was yet undecided.

Stocks—American 3 per cents 69; fives 95 to 96; new sixes, 96 to 101. British 3 per cents 78½. Colombian bonds 100½. Danish 5 per cents 88.—The Russian loan, which had been contracted for at 77, soon raised to 81.

In *Ireland* the amount of distress was daily augmenting, though great efforts are making to relieve it. The stock is exhausted; and, when the whole supply is to be obtained, the total exceeds what any one would expect. The bark of trees, weeds and grass, are eaten in the hope of getting nourishment from them! The accounts are terrible—a dreadful fever prevails; and the new crop of potatoes cannot be expected for three months. It will be short, for much of the seed has been raised for present subsistence! Many have been drowned by the influx of the tide, when seeking for shell fish, or gathering sea-weeds. In some instances, when oat meal is distributed, the people commence eating it raw, the moment that it is delivered to them.

France. The *liberales* have obtained an accession of strength in the chamber of deputies, by the late elections.

The finances of France are most flourishing; notwithstanding a reduction of taxes to the amount of 34 millions, the revenue of 1822 will yield a surplus of 13,982,006 francs. The amount of the national debt is 180,364,000—of which 40 millions will be redeemed in the present year. It is thus that France, depending on the industry of her own people and supporting it, though twice overrun and despoiled by foreigners, recovers herself and proceeds to victory over that "foul fiend," a public debt.

A great many revolutionary disturbances have taken place, but the French press dares not to speak of them. At Lyons, the cry was, "*down with the Bourbons*," &c. The military were ordered to fire on the people, and the people resisted them. Some persons were killed. Tranquility was not restored at the last accounts. Pitchers and flower pots, &c. were thrown from the windows of the houses. Even the life of the prefect was attempted.

The law students, having resolved to commemorate the anniversary of the death of the younger Lallemand, at his tomb, were opposed by the military—and several persons severely injured. "*The charter forever!*" was heard. The affair excited much attention, but order had been restored.

The king opened the session of the chambers on the 4th of June with the following speech—"Gentlemen—The necessity which has long been felt of liberating the financial administration from those provisional measures to which it has been necessarily hitherto to recur, has determined me, this year to anticipate the period of calling you together.—In exacting from you this new sacrifice, I rely upon your zeal, and upon that devotion of which you have given me so many proofs.

"Providence has preserved the infant which it has given to us, and it is a pleasing thought to imagine that he is destined to repair the losses and the misfortunes which have befallen my family and my people.

"I have the satisfaction to announce to you, that my relations with foreign powers continue to be of the most amicable description. A perfect unanimity has influenced the efforts, concerted between my allies and myself, to put an end to the calamities which oppress the east, and which afflict humanity. I cherish the hope of seeing tranquility restored in those countries, without the occurrence of a new war to aggravate their miseries.

"The naval force which I maintain in the Levant has accomplished its destination, by protecting my subjects, and by affording aid to the unfortunate, whose gratitude has been the reward of our solicitude.

"I have adopted precautions which have kept from our frontiers the contagion which has ravaged a part of Spain. The present season does not permit that we should relax these precautions, and I shall therefore continue them as long as the safety of the country may require it. Malevolence alone can discover in these measures a motive foreign to my real intentions.

"Rash enterprises have disturbed in some parts of the kingdom public tranquillity; but they have only served to display more signally, the zeal of the magistrates and the fidelity of the troops. If a small number of individuals who are the enemies of order, view, with despair, our institutions consolidated and rendering a new support to the throne, my people abhor their criminal designs. I shall take care that violence does not deprive them of the privileges they enjoy.

"Positive calamities, though exaggerated by fear, have recently desolated the departments contiguous to the capital. The aid of public and private benevolence has, however, mitigated them.—The activity of the inhabitants shortened the duration of these disasters; authority seconded their zeal; justice will punish the guilty.

"The exact state of the debt *arrieree* is at length ascertained, and will be submitted to you. This debt, whose origin is in times happily far removed from us, and whose liquidation has developed its full extent, will retard, for the present year, in spite of my most deep regret, a part of those ameliorations of which the various branches of the public revenue will be susceptible.

"The advantages we have already obtained, should encourage us to persevere for their maintenance and increase. I rely upon your aid to secure, in our beautiful country, that prosperity which providence designs for us; this is the wish of my heart; the incessant object of my thoughts; it is the consoling idea which alleviates the recollection of my pains, and which embellishes the anticipations of the future."

Spain. Nothing important has recently happened in this kingdom—which is still subject to some political agitations. The hymn of Riego has been declared a national hymn. Some measures were in progress to re-establish a respectable naval force, though not a very powerful one.

It is fully expected that Algiers will declare war against Spain—the tribute not having been paid as required by the dey.

Turkey. The barbarians, under the captain pachia with his fleet, have repossessed themselves of the fine island of Scio, which lately revolted. They had pillaged the city, destroyed what they were

not pleased to retain, and finally set it on fire, which appears to have consumed all the houses. They had dispersed themselves over the country, robbing several Greek churches and burning others, and even so treating certain Catholic establishments. The streets and highways were filled with the bodies of men, women and children butchered, and many outrages on the young women, even worse than death, had been committed in the most horrible manner--others, of the most respectable families, were seized and sent off as slaves. The French consul had preserved nearly 1500 persons in his palace--they were demanded by the Turks, but he manfully shielded them under the flag of his nation. At last, the people, made desperate by such an accumulation of horrors, attacked the Turks in every way and in any way that they could--killed 4,000 and wounded 10,000 of them; after which they retired to the mountains and hoisted the standard of the cross on the summits. To conquer or die appeared to be their determination.

The flag of Greece flies on the Parthenon, but the Turks still possess the fort, which was under a severe bombardment, directed by a French engineer.

It now seems that the Persians are still, but feebly, prosecuting the war against the Turks in Asia--and advancing slowly.

Turkey was making the most powerful preparation to resist the Russians, who were still gathering on her frontier. No decisive measure was yet known to have been taken by either side. A paper has been published at Paris as a Russian manifesto: it amounts to a declaration of war against Turkey, but is believed to be a forgery--got up by the liberal and honest fraternity of stock-jobbers. The force of the rumors is favorable to peace.

The Greek government was about to send envoys to a number of the European courts. Demetrius Ypsilanti is president of the executive council. Considerable gifts had been made to the nation by many rich Greeks.

It is expected that the Servians will soon be in array against the Turks--some of their privileges being encroached upon.

A letter from Salonica says, that the Hydriots have seized three English vessels laden with ammunition for the barbarians, that the Greek government had paid to the commanders the value of the cargoes, but complained to the "protector" of the Ionian Islands of repeated violations of neutrality. An Austrian vessel, whose commander had consented to be searched by a Greek brig, fired on the latter: a battle ensued, the Austrian was captured and carried to Patmos, where the commander will be tried.

A Greek fleet has sailed for the relief of Samos, about to be attacked by the captain pacha.

Morocco. The civil war, that has long raged in this country, is at an end. The pretender to the throne has been delivered up to the reigning monarch.

Ionian Islands. *Zante, April 16.*—The system of neutrality which has been proclaimed in the Ionian Isles, goes directly to the confiscation of the property of all the Ionian nobles suspected of being favorable to the cause of the Greeks, who are combating for their independence. Several of these nobles, known by their fortune and their principles, have been obliged to expatriate themselves and seek for safety in the insurgent islands. Amongst them are the count Metaxa, a rich proprietor, M. Anzulacato, known for his wealth and the honorable employment of his fortune, and the venerable

archbishop of Cephalaria, Typeldo, known for his piety and learning. [*Such is the blessing of British "protection."*]

Republic of Colombia.

Colombia having now established its independence, and having no interests that can bring it in collision with any other nation, seems likely to enjoy a long source of uninterrupted tranquility.

As no official statement of the population and distribution of the representatives in the Colombian congress has appeared in any of our public papers; we offer the following from the official statement published in No. 17 of the *Gaceta de Colombia*,—Published at Bogota.

Departments.	Provinces.	Population of each province	Population of each department.	Senators.	Rep.
Orinoco.	Guayana	45,000			2
	Cumana	70,000			2
	Barecelona	45,000			2
	Margaretta	15,000	175,000	4	1-7
Venezuela.	Caracas	350,000			12
	Barinas	80,000	430,000	4	3-15
	Coro	30,000			1
	Trujillo	33,400			1
Sulia.	Merida	50,000			2
	Maracaibo	48,700	162,100	4	2-6
	Bogota	200,000			7
	Socorro	150,000			5
Boyacca.	Pamplona	75,000			3
	Casauare	19,000	444,000	4	1-16
	Bogota	172,000			6
	Antioquia	104,000			3
Cundina marca.	Meriquita	45,000			2
	Neiba	50,000	371,000	4	2-13
	Popayan	171,000			6
	Choco	22,000	193,000	4	1-7
Cauca.	Cartajena	170,000			6
	Santa Martha	62,700			2
	Rio Hacha	7,000	239,500	4	1-9
	Quito	250,000			3
Magdalena.	Quijos, Majas	35,000			1
	Cuenca	78,000			3
	Jaen	13,000			1
	Mainas	56,000			1
	Loya	48,000			2
	Guayaquil	90,000	550,000	3	3-19
	Panama	50,000			2
	Veragua	30,000	80,000		1-3
			2,644,600	28	95

The seven provinces formerly known under the general title of Quito, had not been distributed into departments nor senatorial districts; nor had Panama and Veragua; but it was supposed that an arrangement would be made, at the next session of congress, to comprise them into three departments, so as to conform with the principle of representation to the population, which would complete the senate to fifty members—and the representatives to ninety-five.

Amora.

The Slave Trade.

At a late meeting of the African institution at London, our countryman, Mr. John Randolph was present. The following are sketches of some of the speeches delivered on the occasion:—taken from a London paper.

Mr. Wilberforce, in seconding the declaratory resolution, deeply regretted the necessity which existed of enlightening the public mind of France respecting the odious nature of the slave trade.—Fifteen years ago, when their illustrious chairman had joined in the formation of this society, they vainly thought the question of abolition was set at rest, and that nothing remained but to secure the co-operation of the other powers to execute the prohibitory laws enacted against the crime. Though

their anticipations had not been fulfilled, they had yet done much, and had earned that reward which all good men were sure to meet without reference to the success of their benevolent efforts. Independent of the moral necessity for the continuance of their labors, they should never forget that they owed Africa a weighty reparation for the deep injuries which they had inflicted on her unhappy children, and could never stop until they had repaired the evils they had committed. (Hear, hear). The honorable gentlemen then took a retrospective glance at the progress of their labors; at the advances they had made since the time when the unhappy Africans were declared, even by some historians, to be an inferior class of human beings, not to be classed in the same scale with others. He particularly eulogized the society of Friends for their uniform efforts in the cause of the abolition—efforts which, he said, had compelled them to violate the modesty of their own feelings, to act in opposition to the principles by which they regulated their conduct, and come forward to assist in the holy work, in open day, in conjunction with their brethren of different religions. He also said, that to the honor of Ireland, her ports had never been defiled by the vessels of this odious traffic—a fact which gave that generous and gallant nation an additional claim in this hour of her calamity, to the relief of this country. (Hear, hear). It was a humiliating fact, that England had, in the slave trade, been pre eminent in guilt; but it was consolatory to know that she was also foremost in repentance. (Hear, hear). So completely had England formerly identified this traffic with her trade, that even when she abandoned it, other nations fancied that it was for the purpose of carrying into effect some new commercial speculation. He then congratulated the society upon the accession of the duke de Broglie and his friends, who were among the most intelligent and distinguished characters in France, and whose efforts would, no doubt, produce the best results. He adverted in flattering terms to the success which had, after a lapse of years, attended the colonization of Sierra Leone—at first the prospect had been discouraging—so it always was in the history of such improvements. The colony of Virginia, one not undertaken by needy speculators, but at the suggestion of the wisest of men—of lord Bacon, and partly formed under the eye of Sir W. Raleigh—three times was the colony of Virginia attempted, and as often abandoned, until at length a final trial was made, and complete success attended it. The honorable member eulogized in the highest terms the services of sir George Collier, and the naval force under his command on the coast of Africa, and remarked that the first intimation of making the slave trade piracy had a very singular origin. It arose from a treaty made by the son of a very old friend of his, Lieutenant Thomson, R. N. with a people in the Arabian gulph, who consented to denounce the slave trade as piratical, although he (Mr. Wilberforce) was afraid they were themselves little better than pirates. (Hear, and a laugh.)

Mr Brougham proposed a resolution expressive of the gratification of the society at finding the slave trade made piracy by the United States of America. In doing so he was grieved to say, that instead of being assembled, as they had hoped, this day, to witness the consummation of their 15 years' labors in enforcing the act of abolition, they had now the mortification to find a new series of troubles rising to their view, from a singular combination of un-

happy circumstances. As long as their own laws had to be watched over to be enforced—as long as their own colonies declined to give their own slaves the equal benefit of the law, and withheld from them every thing which was not extorted from the masters, by the necessity of fostering the slaves now risen in price, if that degraded epithet must still attach to human beings—as long as other nations refused to redeem their own plighted promises—so long the African institution must obviously and necessarily have much to accomplish. (Hear, hear). It would seem from the interesting report which had been read, that the history of the chief countries of Europe, since the peace, exhibited nothing but a series of pledges given to be forfeited—opportunities of benefitting mankind only afforded to be scandalously thrown away—chances held forth to the nations of the world, but cast aside, recovering themselves, and of gaining imperishable renown. (Applause). He looked with indignation at the contrast presented to these nations by the United States of America, and the still greater contrast presented by the republican subjects of a free country, in the performance where they had not promised so much, to those regal governments which had promised so much and performed so little. (Applause). Too much could not be said of the labors of the society of Friends, who had been forcibly compelled, by the greatness of their own wrongs, to encroach upon that meekness of habit which uniformly induced them to

"Do good by stealth, and blush to find it fame,"

(hear), and forced them to receive that public approbation from their fellow subjects which they were the first to earn but the last to claim. (Hear). There were, however, some of the foreign governments who resembled the society of Friends, but it was only in this one habit—that they made no claim for the approbation of mankind. (Laughter). If they were slow in claiming, they took especial care to be also slow in deserving. Their modest and retired habits were never broken in upon by the applause of suffering humanity; they kept the left hand in entire ignorance of what was doing by the right, and to obviate the possibility of a charitable exposure, they took particular care to keep both hands idle. (Renewed bursts of laughter). These governments stood wholly without excuse, and he would press upon their governments if they could hear him—he would press upon their people, through whom those governments must sooner or later hear it, that vain will be their plea of England's example of indifference to this traffic for a series of years, even if that plea were stronger than it can be pretended to be. True it is that this is the fortieth year since the wrongs of Africa first caught the attention of the English ear. At that time a small society (principally from among the society of Friends) six in number, of whom alone George Harrison was the survivor, met in conclave upon this traffic. True, their conclave was as secret in its deliberations as were other congresses that had since assembled, though composed of very different members, influenced by very different feelings, and having very different objects to promote. This society sought information respecting the traffic; they were followed by Thomas Clarkson, and, treading on his heels in the great work, came his honorable friend, (Mr. Wilberforce), who had rendered his name illustrious by his services in this holy cause. (Loud applause). And yet, notwithstanding the great exertions of such men, twenty-five years elapsed from the beginning to the conclusion of

their efforts, so far as the passing of the abolition act. Why did he refer to these facts?—first, that they had to take to themselves the deep shame of allowing so many years to elapse in the progress of such a question; and next, to discourage despair, under any present circumstances, by showing, that in whatever cause a free and enlightened people resolve to embark, success must ultimately attend their struggle. (Applause). It was not one year before their final triumph, that, after the question of abolition was carried in the commons, it was flung out in the lords. (Hear, hear). He referred to these facts to encourage despair, not to vindicate foreign powers, or allow their plea of the example of England.

When the subject was first taken up in England it was new, its details and atrocities were unknown, the effect of measures was untried, but would it be contended that the powers of the continent could plead that ignorance? Had they not the benefit of the progressive experience of England? They might, indeed, have come into the discussion at the eleventh hour, but they did so with all the advantage of hearing the ten hours previous debate, and acquiring all the experience of the past to regulate their decision. (Loud cries of hear). They must start, therefore, with us at the present time, and not flatter themselves with the delusive hope, that either among the wise or the good men of future times, they would stand justified in a delay, which in the case of England was without defence, but which in their case would be utterly without palliation. (Applause). The honorable and learned gentleman then pronounced a warm panegyric upon the example set by the United States of America in making the slave trade piracy, and upon Mr. Randolph's great efforts in promoting that act.

Mr. Randolph, (the distinguished American), then rose to return thanks for this mark of respect towards the United States of America. He said that after the eloquence which had already been displayed upon this great subject, it would be an act of presumption, scarcely excusable in any stranger, but unpardonable in him, to intrude his unprepared expressions upon them after the able speeches which they had not only heard but felt (Applause). He was, however, impelled by a double motive, which he could not resist, to offer himself for a few moments to their attention. First, to discharge an active duty in behalf of his native land, in the absence of its official representative—an absence as unexpected by himself as it was unforeseen—and which had cast upon him a duty he felt inadequate to perform—that of thanking this meeting for the grateful sense they had expressed towards America, and also to assure them that all that was exalted in station, in talent, and in moral character, among his countrymen, was, (as was also to be found in England), firmly united for the suppression of this infamous traffic. (Loud applause). It was delightful to him to know that Virginia, the land of his sires, the place of his nativity, had for half a century affixed a public brand, and indelible stigma upon this traffic, and had put in the claim of the wretched objects of it to the common rights and attributes of humanity.—(Loud applause). He repeated his thanks to the meeting for the flattering reception they had given him.

[The plainness of Mr. Randolph's appearance, his republican simplicity of manner, and easy and unaffected address, attracted much attention; and he sat down amidst a burst of applause.]

Diplomatic Controversy.

MR. ADAMS' REJOINDER TO MR. RUSSELL.

Mr. Jonathan Russell having thought proper to transfer the scene of his attack upon the character and conduct of his colleagues, the majority of the late mission to Ghent, and especially upon mine, from the house of representatives of the United States, where he first volunteered to bring it forward, to the newspapers, it becomes necessary for my defence, and that of my colleagues, against this assault, to apply to his new statements and representations a few of those "correctives" which, at the call of the house of representatives, I did apply to the original and duplicate of his letter of 11th Feb. 1815.

The paper published by Mr. Russell in the Boston Statesman, of the 27th of June last, bears the same relation to truth that his original letters bear to their duplicates, and his sentiments to his signatures.

Nearly two columns of the paper published in the Boston Statesman, are occupied with a narrative of circumstances which preceded, attended, and followed, the delivery, by Mr. Russell, at the department of state, on the 22d of April last, of the paper purporting to be a duplicate of his letter of 11th February, 1815, from Paris, to the then secretary of state. In the course of this narrative, Mr. Russell makes the following admission; how reluctantly, the very structure of the sentence in which it is contained, will shew; and it is proper that it should be exhibited in his own words:

"I certainly did believe that I was permitted to make those corrections of the copy in possession, which appeared to me to be proper to exhibit my case most advantageously before that tribunal"—[the tribunal of the public.]

The reasons of Mr. Russell for believing that he was permitted, in 1822, to make corrections which happened to suit his own purposes, in a paper furnished by himself, to be communicated to the house of representatives of the United States, as a specific letter written by him in Paris, in the year 1815, are as singular and surprising as the belief itself. They consist of insinuations and inferences that he had furnished the paper at my solicitation; that the word "duplicate," written upon it, with his own hand, gave no further intimation or assurance that it was so; that I had the sole power to publish it or not, as I might judge proper, and to consult my own feelings and interests in forming my decision; and that the paper was not to be exhibited to the public without the previous examination and consent of the ADVERSE PARTY. And with these ingenious principles, he has interwoven a statement of facts, with which he has believed himself permitted to take the same liberty that he had taken with his own letter; making in them those corrections which appeared to him necessary to exhibit his case most advantageously before the tribunal of the public.

Frail and tottering as is this scaffolding to support the cause of Mr. Russell's candor, I am concerned to say, that by a mere statement of the real facts, it must be taken entirely from under him.

The real facts are these:

On the 17th of January last, the house of representatives of the United States adopted the following resolution:

"Resolved, That the president of the United States be requested to cause to be laid before this house all the correspondence which led to the

treaty of Ghent, together with the protocol, which has not been made public, and which, in his opinion, it may not be improper to disclose."

In the ordinary course of business, this resolution was by the president referred to the department of state, to report the papers to be communicated to the house, in compliance with the call.

In examining among the archives of the department for those papers, I found among them a short letter from Mr. Russell, to the secretary of state, dated the 25th of December, 1814, the day after the signature of the treaty. It was not marked private, but it related principally to Mr. Russell's own affairs; and, referring to the joint letter of the mission, of the same 25th of December, 1814, in which it had been stated that a *majority* of it had determined to offer to the British an article confirming the navigation of the Mississippi to the British, and the fisheries to us, as stipulated in the treaty of 1783, it acknowledged, *in candor*, that he, (Mr. Russell), was in the minority on that occasion, and reserved to himself the power of communicating thereafter his reasons for being in the minority. With Mr. Russell's *candor* in the transaction, at the time, I shall not now trouble the public. It was in the examination of the files, for the purpose of answering the call of the house, that I first discovered the existence of this letter; and a question occurred to me whether it should be communicated with the other documents to the house or not. It was not *strictly* within the letter of the call, for it was not a part of the correspondence which led to the treaty—having been written the day after the treaty was signed. It had no bearing upon the information which had been assigned to the house as the motive for the call: and the only fact relating to the negotiation which it communicated, was, that upon *one* vote which had been taken in the joint mission during the negotiation, and that vote upon a question whether an offer should be made, which, when made, had been rejected, Mr. Russell had been in the minority, and reserved to himself the power of assigning his reasons, thereafter, for the purpose of vindicating his motives. It was doubtful whether it would be proper to disclose this difference of opinion, and Mr. Russell's solicitude to vindicate his motives for voting against a rejected offer, which had terminated in nothing. But, on the other hand, this *might* be, of all the documents relating to the negotiation, the most desirable one to the purposes for which the call had been made. The call might have been made with the special intention of eliciting this letter, or the disclosure of the fact which it attested. To have withheld the letter might have given rise to surmises of special motives for veiling from the eye of congress, and of the nation, the discovery of that fact. As Mr. Russell was upon the spot, and a member of the house, I determined to mention the letter to him, and place it at his option whether it should be communicated to the house or not. I did so, at my house, as he has stated; and it was on the 26th of January. But Mr. Russell did not say that he had no distinct recollection of the letter, to which I alluded, and that he wished to see it before he gave his consent to its publication. I had not asked his consent to its publication, I had told him there was such a letter; and left it at his option whether it should be communicated in the answer to the call of the house of representatives, or not. His first reply was, that he thought it was a *private* letter, which it would be improper to communicate to the house, but, after a pause, as if recollecting himself, he

said he wished to see the letter, before giving a definitive answer. To this I immediately assented. Mr. Russell accordingly repaired to the office, and saw his letter; not in my presence, or in the room occupied by me, but in that of Mr. Bailey, the clerk who has charge of the diplomatic documents. Mr. Russell then desired to examine the whole of the correspondence relating to the Ghent negotiation, and afterwards twice in succession requested to be furnished with copies of one paragraph of the instructions to the commissioners, of 15th April, 1813. That paragraph is the one which, in the duplicate, is cited so emphatically, and with so many cumulative epithets, in support of the charge against the majority of the mission, of having violated both the letter and the spirit of their explicit and implicit instructions. After all these examinations, and after a request to be furnished with a copy of this most pregnant paragraph, in all of which he was indulged to the extent of his wishes, he told me that he saw no objection to the communication to the house of his separate letter of 25th December, 1814: with the exception of a part of it, not relating to the negotiation. He was informed that the part only indicated by himself would be communicated: and accordingly that part only was communicated. Mr. Russell then added, that there was *another* letter, written at Paris, conformably to the indication in that of 25th December, 1814, and containing his reasons therein alluded to; *and which he wished might also be communicated, with the rest of the documents, to the house.*

This was the first intimation I had ever received of the existence of the letter of 11th February 1815: and I told Mr. Russell that, if it could be found upon the files of the department, it should be communicated with the rest. I directed, accordingly, that search should be made, and afterwards that it should be repeated, among all the files of the department, for this letter. It was not found. After a delay of several days, for repeating these ineffectual searches, I deemed it necessary to report, in answer to the call of the house; and the documents were all sent, including that portion of his letter of 25th December, 1814, which he himself had marked for communication.

It was not alone to me that Mr. Russell had expressed the wish that his letter of 11th February, 1815, might be communicated with the other documents to the house. He had, as appears by the statement of Mr. Bailey, repeatedly manifested the same wish to him. He had even gone so far as to inform him, that he had a copy of it at Mendon, and to inquire of him whether a copy of it from himself would be received at the department, for communication to the house. He did not, indeed, make the same inquiry of me, nor was I then informed that he had made it to Mr. Bailey. If I had been, I should have immediately answered that it would be received and communicated. I knew not what were the contents of the letter: but I knew that, whatever they might be, I could have no objection to their being communicated, at the desire of Mr. Russell himself; and far from suspecting him capable of believing himself permitted to make any alterations in the copy, to suit present purposes, I should have thought the bare suspicion an outrage upon his honor.

But I had no desire of my own that the letter should be communicated. I regretted even that Mr. Russell had chosen that the part of his letter of 25th December, 1814, which announced his disagreement with the majority of the mission, should

be communicated. I regretted that he had ever thought proper to inform the secretary of state what had been his vote upon that occasion; and I was perfectly assured, that there never had existed a moment when there could have been any necessity for him to vindicate his motives for that vote. I was assured that neither the government nor the nation would ever have inquired of him how he had voted, if he had not been so over earnest in his solicitude to tell them. And I was equally convinced, that after he had told them, it would not ultimately redound to his credit. I had no feelings of enmity towards Mr. Russell. Our private intercourse had been, for more than ten years, that of friendship, which in no instance whatever, had been, in word, deed, or thought violated by me. As an associate in a trust of great importance, the general result of which had been satisfactory to the country, he had always had claims, sacred to me, to my peculiar regard. With the high and honorable duties of that great trust, I had mingled no little expedients of self-aggrandizement by the debasement of any of my colleagues. I had sown no seed of future accusation against a brother commissioner, in the shell of a pretended vindication of myself. I had laid up no root of rancorous excitement, to be planted, after the lapse of years, in the soil of sectional prejudice, or party prepossession. I lamented to discover that Mr. Russell had not so dealt with his colleagues of the majority; and I was mortified to see the earnestness with which he appeared determined to blazon forth this disagreement of opinion, and the part that he had taken in it, to the world. I felt that it neither became me to object to the communication of either of his letters to the house, if desired by him, nor officiously to offer him facilities for the communication, which he had not suggested to me himself. I, therefore did not ask him to furnish, himself, a copy of his letter from Paris, to be communicated to the house; but, on the 21st of February, reported to the president, for communication to the house, all the other documents, embraced by their call of the 17th January preceding.

The message from the president to the house, communicating the documents, was delivered on the 23d of February, and was ordered to be laid on the table.

On the 19th of April, the following resolution was adopted by the house, having been first moved the day before:

"Resolved, That the president of the United States be requested to cause to be communicated to this house, if not injurious to the public good, any letter, or communication, which may have been received from Jonathan Russell, esq. one of the ministers of the United States who concluded the treaty of Ghent, after the signature of that treaty, and which was written in conformity to the indications contained in said minister's letter, dated at Ghent, 25th December, 1814."

It will be observed, that nearly two months had intervened between the report of the Ghent treaty documents to the house and this second call, which Mr. Russell has admitted was made at his suggestion.

On Saturday, the 20th of April, the day after the adoption of the resolution of the house, and even before it had been officially referred to the department for an answer, Mr. Daniel Brent, the chief clerk of the department, without consulting me, but knowing the anxious desire that I should feel, of being enabled to report the paper called

for by the house, knowing also that it was not upon the files of the department, called upon Mr. Russell, at his lodgings, and inquired of him whether he could furnish the letter desired; and was told by Mr. Russell that he could, and would deliver it to the president. Mr. Brent it seems suggested, that it would be better that it should be delivered as a *duplicate* than as a copy, to which Mr. Russell assented. This distinction, which has reference chiefly to the forms of office, would not have occurred to me. Between a *copy*, marked as such by the writer, signed by him, and all in his own hand-writing, and a *duplicate*, furnished as such also by the writer, I can perceive no difference of substance, though, as evidence in a court of justice, or as a document in the public archives, one might bear the character of an original paper, and the other only of a copy. Mr. Brent had too much respect for Mr. Russell, to imagine it possible, whether he gave the paper as a copy or as a duplicate, that he should give it other than as the letter originally written, and called for by the resolution of the house.

Mr. Russell, however, did assent to the suggestion of Mr. Brent, and, with his own hand, wrote the word "duplicate" on the paper, which he had already prepared to deliver, to be reported in answer to the call of the house. He did more: he erased with a scraper the word "copy," which he had previously written in its stead, and the traces of which are still discernible on the paper.

What, then, does Mr. Russell mean, when, in the Boston Statesman of 27th June last, he says, that when he delivered the paper at the department, to Mr. Brent, on the 22d of April, "the word [duplicate] had indeed been written on it, in consequence of his suggestion, as above stated: but I gave no further intimation, much less any assurance, that it was so." These are Mr. Russell's own words: and what can they mean? They have been, at least by some portion of the public, understood to mean, that the paper had been styled a duplicate, not by Mr. Russell, but by me. O no! the word was written with Mr. Russell's own hand; and when I received the paper I knew not that there ever had passed a word between Mr. Brent, and him, whether it should be delivered as a duplicate or a copy. The Boston Statesman, of the same day, in which his reply is published, says "Mr. Russell, without much reflection, consented" (to give it as a duplicate). I should think he had time enough for reflection, while at work with the scraper, to efface the word "copy," for which it was substituted. Mr. Russell's meaning is therefore, that, although he wrote the word duplicate with his own hand, yet he did not intend it should be received as an *intimation*, much less as an assurance "THAT IT WAS SO."

Mr. Russell had been explicitly told by Mr. Brent, that his call to enquire whether he could furnish the paper called for by the resolution of the house, had not been at my desire, or with my knowledge, but of his own motion. But it seems Mr. Russell did not believe him; and instead of delivering the letter, as he had said he would, to the president, he brought it to the department, and delivered it to Mr. Brent himself; observing that he was indifferent whether it was communicated to the house or not; but, if it should not be, he wished it might be returned to him.

The singularity of this observation is not among the least extraordinary incidents of this transaction. Mr. Russell, who, while the first resolution of the 17th of January, calling for the Ghent trea-

ty documents, was to be reported upon by the department of state, had expressed to me, and repeatedly to Mr. Bailly, the wish that his letter from Paris should be communicated—Mr. Russell, at whose suggestion the specific call from the house of the 19th of April, for that letter, had been moved—Mr. Russell, who in the interval had written to Mendon for the original draft of his letter, had received it from Mendon, and on the morning after the resolution of the house calling for it, was already prepared with a "copy" of it to deliver to the president, a copy consisting of seven folio sheets of paper—transforms this copy, at the suggestion of Mr. Brent, into a duplicate, and, after having again on Saturday declared to Mr. Brent his wish that it might be communicated to the house, brings it on Monday morning to the department, and in delivering it to Mr. Brent, says he is indifferent whether it should be communicated to the house or not, but, if not, wishes it may be returned to him.

What was the meaning of this tardy hesitation and new-born indifference, whether it should be communicated or not? Why does he say that the application from the department of state for his letter was made without any previous intimation, suggestion, or encouragement on his part; and that, had it not been made, that paper would never have been left at the department of state, nor in any other manner presented to the public? Why did he bring it to the department? He had told Mr. Brent that he would deliver it to the president; and of this disposal of it Mr. Brent had approved. Why does he represent it as a demand upon him from the department of state of a *private letter*, never intended for the public? Neither I nor any person at the department of state, knew that the letter was *private*. Mr. Russell knew it, although he had prepared his *copy* or his *duplicate* without marking it as such. He had told me, when I mentioned to him that his short letter of December 25, 1814, was among the documents of the negotiation at the department, and asked him whether he chose it should be communicated to the house; he had then at first told me that he thought that was a private letter, which it would be improper to communicate; but when, after having examined it, he decided that part of it should be communicated, he had told me there was another letter written from Paris, which he wished might also be communicated. He had not spoken of it as a private letter, nor did he deliver the *duplicate* as such to the department. He omitted from it the word *private*, which had been written by himself upon the original. This omission was doubtless one of those corrections, which appeared to him proper to exhibit his case most advantageously before the tribunal of the public. Its tendency certainly was to excite a suspicion in the public mind, that the original letter was or had been upon the files of the department, and that in the answer to the prior call of the house of 17th January, it had been suppressed.

Mr. Russell's delivery of his *duplicate* at the department of state was entirely spontaneous. It had not even been asked of him by Mr. Brent; and the enquiry which Mr. Brent had made of him; whether he could furnish a duplicate of the letter called for by the resolution of the house, if application should be made to him for it, had been without my knowledge; and Mr. Brent had told him so. Mr. Russell delivered his *duplicate* at the department as a *public letter*, and as if the original itself had been also public. What then does Mr.

Russell mean, when he says, that he left it for my examination? What does he mean, by saying that I had the sole power to publish it or not, as I might judge proper, and to consult my own feelings and interests, in forming my decision? There was a resolution of the house of representatives, calling upon the president to cause to be communicated to them a letter specifically designated. The writer of that letter, after repeated expressions more than two months before to me and to Mr. Bailly, that he wished that letter might be communicated to the house, now brought to the department a *duplicate* of it, and says I was at liberty to publish it or not, as it might suit my feelings and interests. Mr. Russell is not so ignorant of the duties of a secretary of state as not to know, that, in the usual course of business, the resolution of the house was referred by the president to the department of state for a report, and that when once his letter had been delivered by himself at the department, it was my indispensable duty to report a copy of it to the president for communication to the house. Had it directly charged me with treason to my country, as it indirectly did little less, my only and inflexible duty as secretary of state was, to report it to the president for communication to the house. By the terms of the resolution of the house, the president indeed might have withheld it from the house. If, in his judgment, the communication would be *injurious to the public interest*: but of that the president, and not I, was the judge. Suppose even that the president, in forming his judgment, had thought proper to consult my opinion upon it, with what face could I advise that it should be withheld? If the letter was not a tissue of misrepresentations, the secretary of state, and the minister of the United States in France, were men unfit to hold any station whatever in the service of their country; and that was the impression evidently intended to be produced by the letter, at least throughout the largest and most growing section of the union. Upon what pretence could I have advised the president to withhold the communication as injurious to the public interest? If there was truth in the letter, its contents could not be too soon known to congress and to the nation. It was fitting that the conspirators against the peaceful and unoffending inhabitants of the western country, should be unmasked before the public, and that the world of the west should be apprized of the whole extent of their obligations to the great confider in their valor and in God.

On receiving the paper, therefore, my only duty was to report a copy of it to the president, for communication to the house, in answer to their call. On perusal of it, I found that it was marked *duplicate*, but not *private*, and that it bore date "Paris, 11 February, 1822."

My first impression certainly was, that the error of this date was in the *time*, and not in the *place*. I supposed it an inadvertency, such as not unfrequently happens in copying papers of date other than the current year, which, in the hurry of writing, is substituted unconsciously for the date of the original. I did not then perceive that the word *copy* had been written close at the side of the word *duplicate* and scraped out. The erasure had been made with a cautious and delicate hand: its attenuation of the texture of the paper was not perceptible to an unsuspecting eye; and, in the freshness of the ink when performed, must have appeared to be complete. In the progress of blackening, incidental to ink after it has been some days written upon paper, the traces of the word soon became

perceptible, and are now apparent upon its face. Both the words, the date, and the whole letter, are in the hand writing of Mr. Russell.

On reading the letter through, I found it had been composed with a view to be received and understood as if all written at Paris in February, 1815. Yet I was confident it had not all been so written. I was particularly struck with the following passages. "I will frankly avow, however, that my impressions were, and still are, that Great Britain, "calculating on the success of the powerful expedition which she HAS SENT against New-Orleans, "confidently expected that she would have become "the mistress of Louisiana, and all its waters; and "that she did not, in this event, intend to abandon "her conquest under the terms of the treaty of "Ghent."

"If she be disappointed in her views on Louisiana, "and I trust in God and the valor of the west that "she will be, I shall not be surprised, if, hereafter, she "grants us the fishing privilege, which costs her "absolutely nothing, without any extravagant equivalent whatever."

"At any rate, we are still at liberty to negotiate for "that privilege, and to offer for it an equivalent, "fair in its comparative value, and just in its relative effects."

"I trust in God she WILL BE"—in a letter dated Paris, 11 February, 1822—signed Jonathan Russell—addressed to the hon. James Monroe, secretary of state—and delivered by Mr. Russell to be communicated to the house of representatives, in answer to a call suggested by himself for a letter written by him in 1815! And Mr. Russell charges me with *disingenuousness* for communicating this paper to the house! And Mr. Russell talks of respect for the representatives of the people of the United States! I am in the judgment of my country, upon this state of facts. But as for Mr. Russell, when he wrote that—"I trust in God she will be"—and came to the name of God—did not the pen drop from his hand?

I took the letter to the president, and, expressing to him my suspicion that the above passage particularly had never been written at Paris, requested him to cause search to be made among his private papers for the original letter, if there ever had been one. The search was accordingly made, and the letter was found. On comparing them together, I immediately perceived that the original was marked *private*; which the duplicate was not. I turned immediately to the prophecies of the duplicate: in the original they were not. I looked to the passage in the duplicate, which represents the fishing privilege, not only as utterly insignificant, and trifling in value, but as having been proved to be so by the best information "*we* (the plenipotentiaries at Ghent) could obtain on the subject." There was a whole system of misrepresentation in these words "*we could obtain*": for they represented the incorrect estimate of the value of the fishing privilege which they introduced, as the result of information obtained by the whole mission at Ghent, as having been there discussed, and as aggravating the wrong of the majority, in offering so extravagant an equivalent, for what they knew, upon their own inquiries, to be of so little value. Knowing, as I did, that the information was all misinformation; that no information concerning the value of the privilege had been, or could have been, obtained by the joint mission; and that, excepting some doubts as to its value expressed, not by Mr. Russell, it had never been even a subject of conversation in the mission—I turned to the real letter from Paris, to

see how the writer had expressed himself there, and found he had written, "according to the best information that *I can* obtain on the subject." I saw immediately that all that tale about the obscurity and humidity of the atmosphere, in the high northern latitudes, to degrade the value of the Labrador fishery, was not in the original even pretended to have been information sought or obtained by the joint mission; that the *discovery* which it disclosed was not pretended to have been ever made known to the mission; that the fogs, so pernicious to the curing of the fish, were in the original letter, if not merely the vapors of Mr. Russell's imagination, at least no more than the result of the best information that *he* could obtain. And I instantly saw, too, the motives for the substitution of the words, "*we could*" in the duplicate, for the words *I can*, in the original. As the original had been written, the bill of indictment which it virtually contained against the majority of the mission, left them at liberty to say, in their defence, that if they had overrated the value of the fishing liberty, it had been at least an honest error. It left them at liberty to inquire, why Mr. Russell, in their discussions upon the fishery question, had not revealed to them this great discovery of obscurity and humidity and incessant fogs, which lessened so much the value of the fishing liberty. The "*we could*," of the duplicate, took from them all such means of defence. It represented them as having wilfully sinned against their better knowledge; as having sought information of the value of the fishing liberty—as having obtained proof of its worthlessness—and yet, as having persisted in offering for it an equivalent which was to let in British smugglers, British emissaries, and all the horrors of Indian warfare, upon the unoffending inhabitants of the west. Was this one of those corrections which Mr. Russell believed himself permitted to make, which appeared to him proper, to exhibit his case most advantageously before the tribunal of the public?

Proceeding in the comparison between the two papers, when I came to that sublime panegyric upon the fishermen, to atone for the absolute surrender and eager sacrifice of their liberties; to that cheering cup of consolation doled out to them as a peace offering for the extingishment, as far as Mr. Russell's labors could avail, of their means of subsistence—"that the essential security and prosperity of the many, must be preferred to the convenience and minor interests of the few;" to that swelling peal of self applause, for early prepossessions silenced, and local predilections subdued—all substituted, in the duplicate, for a mere post-scripted trust, in the original, that his argument to demonstrate the abrogation of the treaty of 1783, by the war, and the consequent discontinuance of the fishing privilege, would not be ascribed to any hostility to those interested in it—the mingled emotions at the bottom of the soul of the writer, betrayed by these self-accusing, and self-extolling variations from his letter as it had been originally written, excited in my mind a sentiment too much cheered with merriment, and too much mitigated by compassion, for anger to have in it any part. But when, in place of a paragraph in the original letter, expressly declaring that he had believed, with the majority, that the propositions relating to the navigation of the Mississippi and to the fisheries, "*violated in no way our instructions*," I found foisted into the duplicate a paragraph, accusing the majority not only of the violation of their instructions, but of a wilful and wanton violation of them, as under-

stood by themselves; and to support this interpolated charge, a cancelled paragraph of instructions solemnly cited, of which he had, within two months, obtained from the archives of the department two successive copies—let me candidly confess that the sentiment uppermost in my mind was *indignation*. Mr. Russell comments upon the infirmities of my temper, and says, that when afterwards I pointed out to him, face to face, these palterings of his own hand-writing, and gave him proof from the records of the department, that the instructions cited by him in support of his charge against his colleagues had been *cancelled* at the time to which the charge applied, I was not in a humor to listen to him even with civility. This I deny. I did listen to him with civility. The reason that he assigned to me for the variance between his original and his duplicate was, that the whole of the original draft, for which he had sent to Mendon, had not been found, and that he had been obliged to make up the two last leaves from memory. He said, too, that there was no material variation of *facts*, as represented in the two papers. He said, as he says in the Boston Statesman, that he had felt himself at liberty to alter the paper to make his case better for the public eye. He said he had never written against me anonymously in the newspapers, and intimated that, in the year 1816, when I was in Europe, there had appeared in the Boston Centinel a paragraph, charging him with having been willing, at Ghent, to give up the fisheries—a thing of which I had never before heard. He assured me that, in bringing his letter before the public, his motive had *not* been to combine with my enemies to ruin my reputation. To all all this I did listen with perfect civility and composure; and the last words with which I parted from him, however painful to him and myself, were not wanting in civility. They are clearly impressed upon my memory, and I trust they are upon his. He is at liberty to publish them if he thinks fit, as they were spoken. I should not have alluded to them here but for his charge of incivility, which is as groundless as all the other charges of which he has been the willing bearer against me.

But Mr. Russell did not say, that he had understood the application from Mr. Brent to him, to know whether he could furnish the duplicate of the letter called for by the house, had been made with my privity, or by my authority. He did not say that it had not been his intention to deliver it as a duplicate. He did not say that he had purposely dated it "Paris, 11th February, 1822," to give notice that it was not the letter written by him in 1815, called for by the resolution of the house. He did not say that it was at my option whether to communicate it to the house or not; nor did he insinuate that the alteration at the department of the date from 1822, first to 1816, and then to 1815, had been made without his approbation or consent. To all this he knew the refutation was too near at hand to admit of its being said at that time and place. As to his giving explanations to me, what explanation could he give? What explanation has he given to the public? The call of the house was for a specific paper written by him—he had furnished a paper as a duplicate of it, in his own hand writing. It had been detected as a paper, so much the same, and yet so different, that it was susceptible of no explanation consistent with fair dealing; and the expedients to which Mr. Russell is reduced, in attempting to account for it now, afford the most unanswerable proof, that he has for it no honest explanation to give. He desperately seeks an apo-

logy for it, by imputing to me a design to entrap him, by the alteration of the date of his duplicate, from 1822 to 1816, and then to 1815, made at the department. These alterations were made, like the application of Mr. Brent to Mr. Russell for the duplicate, *without my knowledge*, and happened thus.

After comparing the two papers together, I gave the duplicate to Mr. Bailey, for a copy of it to be made, to be reported to the president, for communication to the house. Mr. Bailey gave it to be copied to Mr. Thomas Thruston, a clerk in the department, a young man of a fair and honorable mind. Perceiving the date of the letter to be "Paris, 11th February, 1822," and knowing that Mr. Russell had been through the whole of that month attending congress in this city; not suspecting for a moment that this date had been designedly assumed by Mr. Russell, he consulted Mr. Brent, who, concluding with him that the date of the *year* was an inadvertency, authorised him to rectify it in the copy. Mr. Thruston thought that he might extend that kindness to Mr. Russell further, by making the same change in the paper itself. He passed his pen, therefore, through the figures 1822, and wrote over them 1816, thinking that was the year in which the letter was written. This change was not only made without my knowledge, but when made known to me was disapproved by me. Mr. Brent supposed that all would be set right by making known the alteration to Mr. Russell himself, and obtaining his consent to the rectification of the date of the year. He did so; and Mr. Russell not only approved of the change, but brought his original draft to the department, and shewed the date of it to Mr. Brent, to confirm the second correction. I only ask, how intense must be the pressure of that consciousness, which attempts to palliate the variations in Mr. Russell's two papers, by representing incidents like these, as crafty wiles of mine, to insure his innocence?

Mr. Russell complains that, after the *original* of his letter had been found, the *duplicate* should have been communicated to the house at all. He complains that I should have presumed to make remarks upon *both* of them. He complains that I went to the house of representatives on the 6th of May, and there, in person, sought for a member who would consent to make the call which was necessary for the *official* publication of my *personal* remarks. As usual, part of these statements is true, and part is not—my call at the house of representatives on the 6th of May, was accidental; being on my return from witnessing the experiment of com. Rodger's noble invention at the navy yard. I did not there seek for a member who would consent to make the call. I never asked *any* member to make the call; though I told several members, who spoke to me on the subject there and elsewhere, that it was my *wish* the documents should be communicated to the house. The president's message to the house, of the 4th of May, which Mr. Russell had seen before he left the city, had informed the house of my desire that the letter should be communicated, together with a communication from me respecting it.

The truth is, that my desire for the communication of Mr. Russell's letter to the house had commenced on the same day that his own had ceased. Mr. Russell, from the 26th of January to the 22d of April, had been indefatigable in his exertions to bring this letter before congress and the public. He had procured the original draught of it from Mendon; he had procured the call for it from the house; he had endured the toil of re-writing, with his own hand, at least once, a letter of seven folio

sheets of paper; he had brought and delivered it with his own hand at the department. At the moment of fruition his appetite fails him. Doubts of consequences, to himself as well as to others, seem to flash across his mind. He leaves the paper—for what? For communication to the house, in answer to their call? No! "To put it in the power of the person who might consider himself the most liable to be affected by its publication"—for the "previous examination and consent of the ADVERSE PARTY. He seems to invite objection to its being communicated. He is quite indifferent whether it be communicated or not, and, if not communicated, he desires that it may be returned to him. But, to make its terrors irresistible, he has double and treble charged it with crimination of violated instructions; and, to vouch his charges, has twice armed himself with official copies from the department, of the cancelled part of the instructions of 15th April, 1815.

I had never wished for the communication to the house or to the public of the letter, until I had seen it. The effect of its perusal upon my mind was, certainly, different from what Mr. Russell appears to have anticipated. I saw at once what it was and what it meant. I also saw, in a great measure, what his writer was, which I had never seen before, and the discovery of the original letter, two days after, disclosed him to me in all his glory. In the private relations between us, I remembered what he had been to me, and what I had been to him, for more than twelve years before, until, and including, that very morning. I saw that he was now to be, in substance and in effect, my accuser, and that of the colleagues with whom I had acted, before the house, of which he was a member, and before the nation. In the original, he had been a secret accuser, under the mask of self-vindication. In the duplicate he laid aside the mask, though not the professions of continued respect; and to all the secret discolourings of the conduct and opinions of his colleagues, had added the new and direct charge of a wanton and wilful violation of their instructions, as understood by themselves. To have shrunk from these charges would, in my estimation, have been equivalent to an admission of their truth. To have suppressed them, after the prying curiosity, which had long been stimulated, to see this mysterious and fearful letter, would have been impossible. No honorable course was left me but that of meeting the ADVERSE PARTY on the scene which he himself had selected for his operations; and I knew that little more would be necessary for my own vindication, and that of my colleagues, in the minds of all impartial men, than, from the materials furnished by Mr. Russell himself, to expose to the house, at once, the character of the accusation and of the accuser. I did, therefore, desire that both the letters of Mr. Russell, and my remarks upon them, should be communicated to the house; but, even then, if Mr. Russell, instead of affecting indifference, had fairly acknowledged his error and requested that the papers might not be communicated, I would have joined him in that request to the president.

Both the letters were communicated to the house—both were strictly within the call of their resolution, which was for "any letter which may have been received from Jonathan Russell, in conformity with the indications contained in his letter of the 25th of December, 1814." I remarked upon both; and if that has proved a mortification to Mr. Russell, he should recollect that he brought it upon himself. It was his fault that there was any difference between them to remark upon. He should also re-

member, that, if the original alone had been communicated, he would have been deprived of the benefit of "*those correctives of the copy in possession, which appeared to him proper to exhibit his case most advantageously before the tribunal of the public.*"

Mr. Russell is mistaken in supposing that I attach any importance to his protest, as adding authentication to his professions, or proving his sincerity. What difference can there be between the word of a man, without or without protest, who, after writing the word duplicate upon a letter written and signed by himself, to be communicated as a public document to a legislative body, tells the public that he gave no further intimation, much less an assurance, that it was so, and avows that it was not so? If the name of God, under Mr. Russell's pen, could not deter him from converting the past into the future, that he might enjoy the honors of prophesy, and couple with his trust in the Diety his confidence in the valor of the west, what excuse could I have for considering the declaration of Mr. Russell as either more or less sincere for being backed by his protest?

"To add perfume to the violet
"Is wasteful and ridiculous excess."

But if Mr. Russell, after delivering, on the 22d of April, his duplicate at the department of state, and especially after he knew that the original had been found, was no longer solicitous that either of them should be communicated to the house, he had neither giving up the inclination nor the intention of appearing before the public, as the accuser of his colleagues of the majority at Ghent.

He left the city of Washington on the 5th May; the day after the house of representatives had received the president's answer to the call of the 19th of April—with that answer the president communicated to the house my report to him, which had been accompanied by a copy of the duplicate left by Mr. Russell at the department for communication. But the president did not communicate the copy of the duplicate itself. He informed the house that the original had also been found—that it had been marked as a *private* letter by the writer himself—that it disclosed *differences of opinion* which would naturally call for answers from those implicated by it; and that I, as one of them, had already requested that it might be communicated, together with my remarks upon it. Under those circumstances the president declined communicating the letter called for, unless the house, upon a knowledge of them, should desire it—in which case, he informed them, that it would be communicated, together with my report upon it.

All this was known to Mr. Russell when he left the city; and it is presumed that he also knew that the call for the letter would not be renewed by the mover of the resolution of the 19th of April; yet Mr. Russell went to Philadelphia, and there caused to be printed in the National Gazette of the 10th of May, *another variety* of his letter of 11th February 1815, from Paris, to Mr. Monroe—still differing from the original—differing also from the duplicate which he had delivered at the department, but satisfactorily proving with what *ingenuity* he had told me that the two last leaves of his original draught had not been found at Mendon, and that he had been obliged to supply their contents in the duplicate from memory—the *triplicate* of the National Gazette was accompanied by an editorial article, vouching for its authenticity as a copy—vouching, from good authority, that Mr. Russell had no share in the call (of the house of 19th of April) for the pri-

vate letter—and commenting in a style, the apologetical character of which indicates its origin, upon the privacy, which, it urged, was not secrecy, of the letter; upon the professions of Mr. Russell's respect for his colleagues in the letter, and upon the frequency of such personal and separate explanations in the annals of diplomacy—all this, upon the face of it, came directly or indirectly from Mr. Russell himself. The letter, as published in the National Gazette, was not marked *private*, as the original had been, which was now known from the president's message. It had discarded the panygryic upon the disfranchised fishermen—the self-eulogium for enlarged patriotism and subdued predilections and prepossessions—the prophetic inspirations, and the trust in God and in the valor of the west, which were in the duplicate and not in the original. It had stripped off all the cumulative epithets added in the duplicate to the charge of a wilful violation of instructions—it had even dismissed the charge of having violated their instructions relating to the Mississippi, *as construed by themselves*, and the emphatic citation of the *explicit and implicit* CANCELLED instructions of 15th of April, 1813. But it had retained the interpolation of “*we directly violated our instructions*,” and the substitution of “*we could*” for “*I can*,” in that luminous exposition of atmospheric humidities and incessant fogs which had been discovered to have so nearly annulled the value of the Labrador fishery; and altho’ the cancelled instructions were no longer cited in the text of the letter, yet, to support the remnant of the interpolated charge, that they had been violated, they were expressly subjoined as an appendage to the publication, with an abundance of italicised words to point out the heinousness of this violation; and this was *after* the interview in which I had shewn to Mr. Russell, at the department, the record, not only of the letter of the 4th of October, 1814, to the commissioners, which had not, but that of the letter of the 19th October, 1814, which had been received before the proposal, upon which the charge of violation rested, had been made to the British plenipotentiaries. The triplicate of the National Gazette had restored the postscript of the original, which had been dismissed from the duplicate, containing the three hopeful *other* ways of proceeding devised by Mr. Russell’s resources of negotiation, two months after the negotiation was over, instead of the course which we did pursue, the word *other* only being omitted. The triplicate of the National Gazette, in short, proved that the original draught from Mendon had been complete; and that all its own interpolations as well as those of the duplicate, and its omissions, had been owing, not to deficiencies of memory, but to superfluities of invention.

Such is the true history of the tactics of Mr. Russell, in bringing before the house of representatives and the nation, his impeachment of his colleagues, the majority of the Ghent mission—that it was such of me, is fully admitted by himself in the Boston Statesman, by styling me the *adverse party*, and in that publication he sufficiently indicates his disposition in the progress of his operations to concentrate his charges against me alone. Be it so. In my remarks upon the original and duplicate of his accusatory letter I styled it a *laborious tissue of misrepresentations*. He complains of this as of *virulence and acrimony*, which he boasts of not having returned. If virulence and acrimony had no other vehicle than harsh language, if they could be disguised under professions of unfeigned respect, however cautiously Mr. Russell had abstained from them in

his original letter from Paris, he had been much less observant of that decorum in the duplicate, prepared with new relishes of crimination to suit the appetite of political hatred; and the publication in the Boston Statesman is by no means sparing either of virulence or acrimony against me.—The whole tenor of his argument in the original letter, against his colleagues, was sneering and sarcastic. In the Boston Statesman, besides direct charges against me, of *disingenuousness*, of having made an *unprincipled and unprovoked* attack upon him, of disrespect to the house of representatives, of infirmities of temper and taste, and of being a dreaming visionary, he tries even the temper of his wit to assail me, and by a heavy joke upon an expression used in my remarks, indulges his own *instinct* of misquoting my words to make them appear ridiculous. If this be Mr. Russell’s mildness and moderation, it looks very much like the virulence and acrimony of others. In the transactions of human society there are deeds of which no adequate idea can be conveyed in the terms of courtesy or urbanity; yet I admit the obligation of a public man to meet with coolness and self-command the vilest artifices, even of fraud and malignity, rob him of the most precious of human possessions, his good name—“thrice happy they who master so their blood.” If, in my former remarks upon Mr. Russell’s Janus-faced letter, or in this refutation of his new and direct personal attack upon my reputation, I have, even in word, transgressed the rule of decency, which, under every provocation, it is still the duty of my station and of my character to observe, though, unconscious, myself, of the offence, I submit to the impartial judgment of others, and throw myself upon the candor of my country for its forgiveness. This paper has been confined to a demonstration of the frailty or the pliability of Mr. Russell’s memory, in relation to facts altogether recent. As, upon an issue of facts, I do not even now ask that my word alone should pass for conclusive, statements of Mr. Brent and Mr. Bailey, relative to the production of Mr. Russell’s letter before the house of representatives, and to the incidents from which Mr. Russell has attempted to extort a charge of disingenuousness against me, are subjoined. My only wish is, that they should be attentively compared with Mr. Russell’s narrative.

In another paper I shall prove that Mr. Russell’s reminiscences of the proceedings at Ghent, bear the same character of *imagination* substituted for *memory*; and that what he calls “the real history of the transaction,” [the fishery and Mississippi navigation proposal], contradictory to the statement which I had made in my remarks, is utterly destitute of foundation. JOHN QUINCY ADAMS.

Washington, 13th July, 1822.

Mr. Brent’s statement.

On the 20th of April of the present year, I called upon Mr. Russell at his lodgings in this city, without the knowledge or direction of any other person whatever, to inquire of him, as I did, whether he could and would furnish the department of state with a copy of his letter from Paris to the secretary of state, which was referred to in a resolution that I supposed to be then on its passage (but which had actually passed the day before) through the house of representatives, upon the motion of doctor Floyd, in case the said resolution should be adopted by the house, and a regular application were made to him for it; observing to him distinctly, particularly, however, that I had no authority to make such an application myself, and that my en-

the object was to ascertain the facts just stated.—In answer to this inquiry Mr. Russell informed me that his daughter had recently transmitted to him the draft of the letter in question; that he had it thereby in his power to give a transcript of it, and would set about making one immediately, which, when finished, he would deliver to the president.

Upon which I remarked, that this seemed to be the proper course, the original having been addressed to him, the president, when secretary of state. I then observed to Mr. Russell, that he had better deliver it as a duplicate than as a copy; that he knew the original was not to be found upon the files of the department of state, and that this was the common form with regard to all such communications. He seemed pleased with the suggestion, and said that he would conform to it, without giving me the slightest intimation that he would prefer giving a copy, as such, or that he would furnish any other than a duplicate of the identical letter spoken of and referred to, which had been transmitted by him from Paris to the then secretary of state. I was prompted by a double motive to this inquiry—first, by an habitual wish that the department to which I belonged, should always be prepared to furnish what might be required of it by the house of representatives; and, secondly, by an apprehension that, if it were not so prepared in this particular case, unjust imputations might be made against the head of that department, which I was desirous of obviating. In this interview Mr. Russell told me that it was at his instance doctor Floyd had submitted his last resolution to the house of representatives; that he was influenced, himself, by the wish that his letter should be communicated to congress, for his justification as to the part he had taken in the negotiation of the treaty of Ghent, with regard to the fisheries; but that the same gentleman's first motion upon the same subject was made without his knowledge or advice. On the 22d of the same month, Mr. Russell handed to me, in my room at the department of state, in the absence of the secretary, with a request that I would deliver it over to him, an open letter, marked "duplicate," a copy of which was communicated by the president to the house of representatives, on the 7th of May last; observing, when he did so, that he felt no particular solicitude about it, and requesting that it might be returned to him, if not used by the department. A day or two afterwards this paper was put into the hands of Mr. Thomas Thurston, one of the clerks of the office, to be copied. Perceiving that it bore date at Paris, on the 11th February, 1822, when Mr. Russell was known to be attending the session of congress in this city, as a member of the house of representatives, this young gentleman asked my advice whether he should insert that date in the copy or not; and I told him, without hesitation, to insert 1816 instead of 1822, as Mr. Russell had evidently, from inadvertence, made a mistake in the date. Mr. Thurston gave it that date accordingly, and made a correspondent alteration in the paper itself, which he was transcribing, under the impression that he was likewise authorized to do so, and that it would never produce criticism of any sort. When Mr. Adams came to be apprized of these circumstances, particularly in the alteration of the date of the "duplicate" paper, he manifested and expressed much surprise and displeasure upon the occasion.

But Mr. Russell, whom I saw immediately after they happened, and to whom I communicated what had been done, expressed his full and entire approbation of it; and the next day he brought to the

office the draft from which he stated the "duplicate" was prepared by him, bearing date Paris, 11th February, 1815, which he particularly showed to me, as a corroborative justification to the department of state for the alteration that had been made in the date of his paper. It was then, I think, that I informed him of the substitution which had been made in the office copy of the year 1815 for that of 1816, to correct our own mistake; and he authorized and requested me to have a like alteration made in his "duplicate," which was accordingly done. Mr. Russell upon this occasion again expressed his indifference as to the determination of the executive with regard to this "duplicate," and repeated his request that it should be returned to him if not used.

In one of our conversations I asked him why he had delivered that paper to me, and not to the president, to whom he said he would deliver it? His reply was, that he had done so because he deemed that course most respectful to the department of state, being under the impression, notwithstanding my declaration to the contrary, that I had sounded him upon the subject of the paper in question by authority, (meaning, I presumed, by direction of the secretary of state), and that it was actually required at the department of state.

In a conversation between Mr. Russell and myself, on the 1st May, in Mr. Bailey's room, at the department of state, in the presence and hearing of that gentleman, he fully and expressly admitted and confirmed the correctness of the statement given in this paper of the conversation between us of the 20th of April, at his lodgings, with regard to the facts that the call of doctor Floyd for his letter had been made at his suggestion, and that I mentioned to him I had no authority to make an application to him for a copy of that letter, and that I made none: DANIEL BRENT.

Washington, 10th July, 1822

Mr. Bailey's statement.

Several days after the passage of the resolution of the house of representatives of the United States, of 17th January, 1822, moved by Mr. Floyd, and calling on the president for copies of certain papers relative to the negotiations at Ghent, but before the copies had been communicated to the house, Mr. Russell, of the house, called at my room in the department of state, and expressed a wish to see a letter addressed by himself, separately, at Ghent, to the then secretary of state. He stated that the present secretary of state had mentioned the letter to him, and had desired to know whether it was his (Mr. Russell's) wish that this letter should be communicated to the house with other papers embraced by the above call, or not. This letter (a short one, dated "Ghent 25th December, 1814,"), was accordingly shown to Mr. Russell by me, in a volume containing the original communications from our plenipotentiaries at Ghent, which had been bound and lettered in the department several years before. Mr. Russell, on reading the letter, said that he saw no objection to the communication of it, and asked me if I saw any. The reply was, that none was seen. He said that the concluding paragraph, as it related to his return to Sweden, and not at all to the negotiations at Ghent, did not require to be communicated to the house. I requested him to mark such part as he wished communicated. This he did; and, conformably to this, the copy was made by subsequent direction of the secretary of state, and thus it appears in the printed copy, p. 59.

At the same time, or very soon after, I (do not remember which), Mr. Russell expressed a wish that the letter might be found and communicated, which, in his letter of 25th December, 1814, he intimated his intention of writing. The wish was repeated at subsequent times, both at my room and elsewhere; and much desire was manifested by him on the subject. Mr. Russell and myself together, as well as myself separately, examined at different times the bound volume above named, and also other files, on which, if mislaid, the letter would most probably have been placed; but no trace of it was found. At his suggestion I made inquiry of the secretary and of the chief clerk; but they had no knowledge of such letter. The secretary informed me that his first knowledge that such a letter had been written was from Mr. Russell's declaration to him since the call of 17th January; and that the existence even of Mr. Russell's letter of 25th December, 1814, was unknown to him previous to his examination of the files, in consequence of said call.

Mr. Russell, while making the above inquiries for his letter of the 11th February, 1815, remarked to me, that he had not a copy of it here, but had at home, (in Massachusetts,) and that he could get a copy by writing to his daughter there; but supposed that would be too late for a compliance with the (first) call. He asked me if I supposed a copy, so made out, would be received and communicated to the house with the other papers. I replied that I did not know sufficiently what was usual on such occasions. After he had delivered the "duplicate" at the department, he told me that he had written to his daughter for the copy, and that she had sent it.

While Mr. Russell, at his first visit, was examining various records of the office, he noticed a paragraph in the instructions to the commissioners of peace of 15th April, 1813, respecting British traders within our limits; a paragraph which was omitted in the copy sent to congress by Mr. Madison with his message of 13th October, 1814, (see *Wait's state, papers*, vol. 9, p. 357,) and which, it is believed, was never published till it appeared in the *National Gazette* of 10th May, 1822. Of this Mr. Russell requested of me a copy. On direction of the secretary, I made and sent him the copy; and, several weeks after, (I think early in April,) on his remarking to me that that copy was mislaid or not found, and asking another copy, a second was made and sent to him.

Soon after the call of 19th April, Mr. Russell was at my room, and said (wholly spontaneously) that Mr. Floyd had made his motion for that call entirely without his knowledge, or without consulting with him, or words to that effect. He also said he did not know Mr. Floyd's motive for making his first motion (for the call of 17th January).

On receiving the duplicate, the secretary of state gave it to me to be copied; for which purpose it was handed to Mr. Thruston. The date having been altered from 1822 to 1816, as stated by Mr. Brent, the secretary, on seeing the alteration, expressed distinctly his displeasure at the circumstance. When Mr. Russell next came to the department, Mr. Brent, in my presence, mentioned to him the incident of the alteration from 1822 to 1816; and (such is strongly my impression, scarcely leaving a doubt, though Mr. Brent is uncertain whether this intimation happened at this

or the next visit of Russell,) intimated that 1816 was put by mistake for 1815, and that 1815 would be the reading of the copy for the house; if such was Mr. Russell's pleasure. Mr. Russell not only assented to the alteration, (to 1815,) but requested that it might be read thus, in a manner more emphatic and formal than an ordinary request; purporting, that he wished this declaration of his to be taken as authority for the alteration. And, at his next call, he brought with him the draft from which he made the duplicate, and, after exhibiting its date to Mr. Brent, in his room, brought it to me, to show that "1822" was a mistake in copying. The draft was plainly "1815."

When the copy was made for the house, the secretary was anxious that it should conform with scrupulous exactness, to the paper deposited by Mr. Russell, with the sole exception of the date, which he wished modified according to Mr. Russell's special request.

On the 1st of May, Mr. Russell and Mr. Brent were in my room, and Mr. Brent recapitulated the conversation between himself and Mr. Russell, on the 20th of April, when Mr. Brent made certain inquiries respecting Mr. Russell's letter. The recapitulation in substance stated, that Mr. Brent informed Mr. Russell, that his inquiries were wholly without the authority of any other person; that his object was to know whether Mr. Russell could and would furnish the letter, if it should be wanted, and if he should be applied to for it; and that Mr. Russell told Mr. Brent that he could and would furnish it to the president; and that he further told Mr. Brent, (on Mr. Brent's enquiry) that Mr. Floyd had made his (second) motion on his (Mr. Russell's) suggestion. Mr. Russell assented to the correctness of this recapitulation, explaining the last observation by saying, that Mr. Floyd, before he moved the second call, asked him if he could give him (Mr. Floyd) a copy of the letter, and that he (Mr. Russell) declined, and told Mr. Floyd that if he wished a copy he must move a call for it.

JOHN BAILEY.

Washington, 10th July, 1822.

CHRONICLE.

The U. S. brig *Enterprize* lost several of her officers and crew during and since her return from her late cruise—among them, *lieut. Coxe* and mid. *Platt*.

The U. S. schooner *Grampus*, *lieut. Gregory*, has arrived at Charleston, from a three months' cruise on the north side of Cuba. *Lieut. Gregory*, with lieutenants *Stockton* and *Perry*, of the schooners *Alligator* and *Shark*, has been exceedingly active, chasing the pirates into their hiding places, recapturing several vessels, but taking only four men. The coast of Cuba abounds with innumerable little islands, behind which the pirates retreat—and the boats sent against them were oftentimes five or six days absent from the schooners in pursuit of them.

Mr. *Murray*, of Philadelphia, the celebrated engraver, lately died in that city—but we are glad to believe, while we regret his death, that his eminent talents are preserved in his late colleagues; and we learn that every branch of business hitherto pursued by "Murray, Fairman & Co." will be continued under the same firm, in all its former perfection.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

COL. THOMAS L. McKENNY, late superintendent of the Indian trade, has issued proposals to publish at the seat of government, a semi-weekly paper, to be called the "Washington Republican and Congressional Examiner." Mr. McK. is very competent to a fulfilment of his professions, and the management of a most useful and important gazette. The first number is expected to appear on the 7th proximo.

ANIMATED PATHOLOGY. In the first volume of the REGISTER, page 405, published on the 1st of February, 1812, there was inserted a review of a lecture which had just been delivered by the late Dr. Crawford, of Baltimore, on the cause, seat, and cure of diseases. The opinion of the doctor was, that many, if not most of the diseases to which we are liable, were caused by small worms or animalcule.—We were led to the recollection of this article, (written for the Register), by noticing the following, extracted from a late London paper. It powerfully supports what was thought the wild theory of our venerable friend.

"It will, perhaps, be recollected, by our scientific readers, that the London papers lately contained accounts of the extraordinary powers which Mr. Rogers had succeeded in applying to the microscope; effected, we believe, principally by the aid of a newly discovered chemical light. Mr. R. purposes to introduce that stupendous apparatus at the close of his astronomical lecture, in our theatre, on Monday evening. By a table of his powers, which we have seen, it appears that the highest magnifier of this instrument is but one hundredth part of an inch focal length, and, consequently, capable of enlarging the cubes of minute objects in the astonishing degree of 125,000,000 times! Some of the singular phenomena discovered by this apparatus, is likely to prove of the highest importance to medical science. Mr. R. has been able to perceive that most of the morbid secretions in the human subject, as the peculent matter of consumption, of cancer, of syphilis, &c. are literally masses of worms or animalcule."

THE LAKES AND THE CHESAPEAKE. The following recitals and resolution we copy from the proceedings of a numerous meeting of the inhabitants of Bath, in the county of Steuben, N. Y. held on the 14th ult. at which gen. George M'Clure presided, and Dugald Cameron was secretary.

"Whereas the great Erie canal is rapidly approaching to its final execution, and it being evident that the state will shortly thereafter derive an income from its product adequate to the discharge of the interest on the loan, besides yielding an increasing revenue; and this meeting believing that, when accomplished, the public mind will necessarily be directed to open such collateral branches, as will promote more expanded benefits and tend to increase the product of the whole system, especially such as point in a southwest direction towards the northern counties of Pennsylvania. And whereas it is certain that, by opening a canal about six miles, to connect the north part of the Crooked lake with the Seneca lake, and from the head of the former by the most convenient route to the Conhocton river, an important navigable tributary of

the *Susquehanna*, a direct water communication would be opened between the last mentioned river and the grand canal; but even if confined to the communication between the Crooked and Seneca lakes, it would afford access from a rich surrounding country situate in New York, to a boatable shore of nearly eighty miles, a great part of which depends at present on the Baltimore market:—Under these powerful convictions, therefore, it is

"Resolved, That William Woods, John Kennedy, Henry Welles, Samuel Baker and William B. Rochester, be, and they are hereby, appointed a committee to memorialize the legislature at the next session, on this important subject: who are also requested to cause said memorial to be circulated generally for signature in the county."

The thanks of the meeting were presented to Elkanah Watson, esq. of this city, for the useful suggestions and enlightened views which he submitted to them, and for his uniform and patriotic exertions in promoting the best interests of the state.

"This will be an important improvement, when effected, as we are assured that it must: and afford to a large region of country that will soon be thickly populated, a choice of the markets of New York and Baltimore—to the advantage of the former at present, but the future benefit of the latter, if the ascending navigation of the *Susquehanna* shall be improved as it may be. However, let the proposed inland communication be made, no matter which of the cities is most profited by it; for the general stock of national prosperity will be increased thereby.

AN OLD FASHIONED FRIEND, who never has paid his debts according to the *patent* manner so much resorted to in Baltimore, has addressed a card, through the newspapers, to a person of this city, suggesting that it would afford as good "an evidence of practical christianity" if he, the latter, would satisfy a certain debt of 4 or 500 dollars, contracted eleven years ago, as to bestow money on missionary and tract societies. As *Patrick Henry* said, when *John Adams* shewed Major *Hawley's* "broken hints" to him, "I AM OF THAT MAN'S MIND."

SLAVES. The editors of the *National Intelligencer*, speaking of the decision of the emperor of Russia, published in the last Register, says—"It is such as might have been expected from a justly disposed and disinterested arbiter. The class of cases embraced by the third paragraph cannot be large, though there may be cases which are embraced by it—such, for example, as that of slaves which deserted to the British force under *Nicholls*, in Florida, and were carried off. The whole amount which, under this decision of the emperor, will become payable to citizens of the United States, cannot fall far short of two millions of dollars. Considerable time will necessarily elapse, we should suppose, before the claims can be liquidated, as they will have to be separately and judicially examined."

APPROPRIATE. The late anniversary of independence was celebrated with great glee on the field where *Burgoyne* surrendered in 1775. It was

thought that 5000 people were present—among them, *fifty-two soldiers of the revolution*—some of whom were on the same field when the memorable event just mentioned took place.

CAPT. HULL. We have not at all interfered with, and only slightly mentioned, the very unhappy controversy that prevails among the officers of the navy, on the Boston station. Capt. Shaw and lieutenant Abbott have been tried, and suspended. The latter had reported certain charges of mal conduct against capt. Hull, who, it will be recollected, lately requested a court of inquiry on his conduct, which the president did not think it necessary to grant. He has repeated that request in the following letter, and it is understood that a court will be detailed, as desired by him. There is great feeling at Boston about the justice of the sentences passed on capt. Shaw and lieutenant Abbott, and much is said on the subject, generally, in the newspapers—and it does appear as if public opinion was favorable to them. Without an unkind wish to either of these gentlemen, we must sincerely regret any thing that acts against the reputation of the conqueror of the *Guerriere*—he who led the van of naval glory.

Navy Yard, Charlestown, July 13th, 1822.

SIR—I have again to draw your attention to my application for a court of inquiry.

For, notwithstanding the opinion expressed by the department, that there was no necessity for an investigation of my official conduct, yet slanderous pens and tongues are still employed in assailing my reputation.

Conscious of my innocence, as well as of the fidelity with which I have discharged my duty, it ought not to be required of me to remain a silent spectator. I am not insensible to the good opinion of my fellow citizens: it has always been my aim to deserve it—and I am unwilling that malice or envy should deprive me of that which can alone render life desirable, or myself of any use to the naval service of my country.

I have always understood that it was the tacit if not express engagement of the government, with its officers, that they should of right be entitled to an investigation of their conduct whenever it was made the subject of reproach. The expense attending an inquiry, ought not, I apprehend, under these circumstances, to have the slightest weight.

I do, therefore, most earnestly request a reconsideration of the answer given to my application: and hope that the president will be pleased to order a court of inquiry to be immediately assembled, with directions to enter into a general scrutiny of my administration of the affairs of this yard.

With sentiments of great respect, I have the honor to be, sir, your obedient servant,

ISAAC HULL.

*Hon. Smith Thompson,
Secretary of the navy, Washington.*

MIDSHIPMAN CREMER. The Norfolk Herald contains the following notice of this promising young officer, who was lost in the boat of the Franklin, near Valparaiso:

"Cremer was, it may be said, rescued from the grasp of obscurity by commodore Decatur, when a mere child, on account of some striking trait of character which accidentally developed itself to the observation of that intelligent officer, who took him under his guardianship, and procured him a midshipman's warrant in the navy, and he was attached to the commodore's command during the whole

of the late war. We have often heard him spoken of by his brother officers as a young man of extraordinary genius, intrepidity, and professional acquirements; and as one who bade fair to make his way to the highest honors, by dint of native worth and superior merit."

To the above, we add the following anecdote, which was told to us a few days since: Cremer was with commodore Decatur at the time he captured the British frigate *Macedonian*. He was then a mere boy, and officiated in the capacity of what is familiarly called *powder monkey*. The moment the *Macedonian* struck her colors, young Cremer ran up to Decatur, and said to him in great earnestness—"Captain, is my name upon the prize list?"

COTTON AND TOBACCO. Various experiments are now making to raise cotton as far north even as *Albany*, in New York, and to produce tobacco in some of the western counties of Pennsylvania, as crop. We shall, probably, learn more of these things hereafter. The latter promises success, and of a very superior quality. An acre of land is fully planted at Greensburg—the seed was received from Havana—the crop is vigorous and healthy, having from 12 to 22 leaves, some of which were (on the 5th inst.) 42 inches long, and broad in proportion.

PRAYING AND DOING. An English paper, in reference to the distresses of Ireland, says—"A letter from the archbishop of Tuam, to the secretaries at Liverpool, says, 'I PRAY the relief of your benevolent committee to the perishing population of this town and immediate neighborhood. Our distressed state is truly deplorable, and I have the same to report of almost the whole of the province of Connaught, over which, as Metropolitan, I preside. I am appalled at the conviction that many must die from actual hunger, and many more from the effects of bad, scanty, unwholesome, unnutritious food'"

Now, we are of those odd fellows, who, if an ox or an ass was in a ditch, would be more grateful to one man that would take hold of the rope and help us to *pull it out*, than to fifty others who would stand by and *pray* that the animal might be got out. Praying is well—but doing is better.

This "most reverend father in God," as he is queerly called, would do more good to the people of Ireland by one *honest act*, than will come of all the prayers that he can ever make. He receives about 60,000 dollars per annum of poor and oppressed Irishmen, in the shape of tythes—for, perhaps, reading one or two sermons in a year. Let him give up this "living" to the needy and go to work to earn his own bread, and then we shall have respect for his prayers, in a full belief that they will be available. This viperous race and brotherhood of leeches, the priests in Ireland of the *national church*, grind the people out of more than 3,400,000 dollars

*Yet many parishes, paying tythes, are without a church or preacher of the national religion. A correspondent of a Cork paper, writing from Free-mount, gives us the following account of his parish: "Here we are peculiarly and unfortunately circumstanced, not having a single resident landlord, a magistrate, a resident rector, or curate; neither is there a single gentleman, protestant or catholic, in the parish; neither is there a church; and what is probably more strange, neither is there a single protestant. And still we pay tythe and church rates, which, under such circumstances, seems to us to be a great grievance, and an illegal tax."

a year, in tythes alone—though they are not hated and despised, they are at least unlistened to by four fifths of those who are compelled, at the point of the bayonet, to guzzle them with the most costly wines and add to their rotundity by the most delicate and delicious food. When is mankind to be relieved of these robber-bands of government priests? If the Irish horde were broken up, it would afford many times more relief to the peasantry in one year, than charity will do for them in a century. Indeed, it appears to be rather doubtful whether it is real charity to relieve a people permitting such injustice, unless perfectly assured that they cannot redress themselves of it by an united effort; "peaceably if they can, violently if they must." This archbishop is "appalled at the conviction that many must die of actual hunger"—he ought to be appalled at the conviction that he himself is *plundering* the wretched people of the little that they have.

The occasion is proper to mention, that the archbishop of Canterbury, who, with his tribe of bangers-on, receives about 600,000 dollars a year, has most generously given the enormous sum of 100*l*. to relieve the distresses of Ireland, and the same has been published in all the newspapers, as evidence of his great christian liberality and kindness! What an excellent man—so modest and so good!

The two following articles present themselves quite opportunely:

The will of the late archbishop of Armagh has just been proved by his widow, under *two hundred and twenty thousand pounds!* This is his grace's personal property merely. What his real estate may be we are unable to say, but, doubtless, the shepherd was not without fields and pens. Whatever the distress of Ireland, certain spiritual graziers there appear to have no cause of complaint. However, it would seem that scripture is occasionally tortured in that quarter, (perhaps in others), and the text "*feed my sheep*," corruptly read "*feed on my sheep*," which alone can account for what (using Burke's expression) we may call most excellent "tallowing in the caul and kidneys"—the flock can boast nothing like it. There is no reason to feel any alarm about the strict *orthodoxy* of his grace's successor—in this sort of *sheep walk*, he will, it is presumed, follow his predecessor "*passibus aënis*." The stamp to the probate was 2000*l* ; a small slice, which, coming to the revenue, is the public's share of this farthing.—*Morn. Chron.*

There is a family in Ireland which enjoys the patronage of that country to almost as great an extent as ambition or avarice could wish. We need not mention the name of the *Beresfords*. They sit in the lords and in the commons, they occupy the uppermost seats in the church—they hold the admiral's staff, and the marshal's baton—wherever money is to be made, or titles acquired, there are the Beresfords. Their family and connections enjoy one fourth of the patronage of Ireland. Lord John Beresford is appointed archbishop of Armagh. The personal property of the late archbishop is proved by his widow to be under *two hundred and twenty thousand pounds*.—*Dem. Press.*

THE FRENCH MINISTER. A splendid public dinner was given to the baron de Neuville and his suite, at New York, on the 16th inst. Among the guests were the vice-president of the United States, the two senators from the state of New York, three representatives in congress, and other distinguished persons. The toasts drank on the occasion were excellent. The 13th was—

Our guest—the baron Hyde de Neuville, known to us as a private man by acts of the most disinterested and active benevolence, and distinguished as the representative of a foreign nation by the uniform comity and respect which have marked his intercourse with our own. *Farewell to Lochaber.*

After this toast was drunk, Mr. de Neuville rose and said—"I pray you gentleman, to accept the expression of my profound gratitude for the very flattering reception with which you have honored me this day, and for the distinguished marks of kindness and benevolence I have received from the U. States, in whatever situation it has pleased Divine Providence to place me. Permit me to offer you my best wishes of a city of which I was, and ever shall remain a citizen, if not by right, in my heart at least. Permit me, gentlemen, at the same time, to offer you the same for each of you in particular."

Mr. de Neuville then gave a toast expressive of his desires for the prosperity of New York.

MR. RODNEY. *From the Norfolk Herald.*—An elegant article of silver plate, in the form of an urn, has just been completed by Mr. John Potter, silversmith, of this borough, which reflects great credit on his taste and ingenuity. It was bespoke by a committee in behalf of a large and respectable portion of the citizens of Norfolk, to be presented by them to the honorable CAESAR A. RODNEY, as a testimony of their thanks for the generous and disinterested services rendered by him to their townsman, captain JAMES BARRON.

This beautiful article measures two feet six inches round, eighteen inches in height, and weighs 130 ounces. It is ornamented by a double wreath of roses and oak leaves, and surmounted by a chaplet of oak leaves interwoven round an acorn; and between the wreaths is the following inscription:—

CAESAR A. RODNEY.

Juis consulo

Quam Ingenio tam Scientia præclaro;
Qui, sum civem JACOBUM BABRON
Classis Americæ Præfectum insignem,
Duro fato proditum, cum vidisset,
Indignæ rei non tulit conspectum;
Sed securus futuri, ruit in auxilium.

Text, Eripuitque :

Hoc testimonium gratio animo

D. D. D.

Civitas Norfolkensis.

NEAT COMPLIMENT. When the squadron passed down the bay near Lewistown, (says a Philadelphia paper), the inhabitants assembled on the shores and fired a salute of 20 guns. The ships not being aware that it was intended for them, stood out without returning it. The wind and tide compelling them to anchor, capt Spence addressed to the inhabitants the following letter, which alludes to the handsome conduct of the people of Lewistown, when attacked by a British naval force.

"*Delaware bay, July 19th, 1822.*

"*To the inhabitants of Lewistown:*

"I was not aware until this morning that the salute fired yesterday was intended for the United States ships under my command, passing to sea from the Delaware.

Compelled by contrary winds to return and anchor in your vicinity, an opportunity is offered of returning the compliment, and of assuring the good people of Lewistown, that it could not have been received with so much gratification as from cannon that protected a town gallantly defended in the

hour of attack and danger, by its brave and resisting inhabitants.

"I have the honor to remain your very obedient servant,
ROBT. T. SPENCE."

MR. RUSSELL. Some time since, certain queries appeared in one of the New York papers, signed "Ariel," insinuating that Mr. Russel could furnish duplicates of original letters, written for the purpose of conveying information to a commercial house in London of the progress of the negotiations at Ghent; and, that he 'was to have shared in the profits that might have been realized from speculations that should be made upon information confidentially received from him,' &c. These queries justly excited the attention of Mr. R. and the public, and the name of the author was demanded. After the publishers had consulted the author of the queries, Mr. Russell received the following letter, which he communicated to the editor of the Boston "Statesman," to be laid before the people.

We have had enough of "controversy" in the papers of late, and should not have inserted this letter if we thought that it would compel us to give up much room to the subject, in its present shape—and if Mr. Hunt's object is "the public good," as he professes that it is, the truth should be "elicited"—if he is actuated by "malignity" and cannot substantiate charges of so serious a nature against a person vested with an office so important as that which Mr. Russell held, he ought to be punished. It is said that Mr. Russell has instituted an action at law against Mr. Hunt—the proper course, surely, in a case like the present.

New York, July 1, 1822.

JONATHAN RUSSELL, esq.

SIR—On arriving at Philadelphia on the 27th of June, I found a letter from Messrs. Carter and Prentiss, editors of the New York Statesman, dated the 23rd, advising me that the name of the author of *Ariel*, which appeared in that paper on the 14th, had been demanded; and on my return to this city the day following, those gentlemen put into my hands your note to them of the 20th. Without entering into a discussion, as to your right to demand the name of the author, I readily comply with your wishes, and with becoming frankness declare myself to have been the writer of the queries under the signature of *Ariel*, to which you allude.

In making this prompt and explicit avowal, I think it proper most emphatically to declare, that, in publicly addressing those queries to you, I was not actuated by any feelings of "malignity" towards either of the gentlemen who composed the commission that negotiated the treaty of Ghent; nor have I, as regards either of those gentlemen, any private resentments to gratify, or personal injuries to avenge. My sole object was the public good; and that will be attained, should the truth be elicited.

A respectful regard for public opinion, and a desire to vindicate my conduct against the severe and undeserved imputation of "malignity and depravity," with which you have been pleased to characterize it, require of me to state, without reserve, the facts which prompted me to the course I have adopted, most willingly submitting it to the unbiased judgment of a just, impartial, and enlightened public, to decide how far there is "any shadow of a foundation," "any plausible pretext," to justify the suggestions which those queries were intended to convey. I therefore declare, that, while in London, subsequent to the conclusion of the peace

which terminated the late war between the U. States and G. Britain, I received information, not derived from the prevailing rumor of the day, but from a source in the highest degree respectable, and in the authenticity and veracity of which I then had, and now have, the most entire confidence, stating clearly, explicitly, and *with reference to a name*, that one of the individuals who composed the American part of the commission that negotiated the treaty of Ghent, did, contrary to the sacred obligations enjoined by his high official character, and in violation of the trust and confidence reposed in him by his country, with a view to aid private mercantile speculation, communicate to a great commercial house in London, important intelligence, touching the actual progress and prospects of the negotiation then pending, &c. &c.

It is not, I presume, requisite for your satisfaction, or for the cause of public justice, that I should be more explicit; nor can it be expected by you that I shall, at present, communicate the names of the individuals to whose testimony it may, by possibility, hereafter become necessary to refer.

In a few days I shall return to Bennington, Vermont, the place of my permanent residence.

I am, sir, your obedient servant,

(Signed)

SETH HUNT.

P. S. *July 2d.*—In justice to myself, I feel it incumbent on me to declare, that there is not one word of truth in the statement published by the editors of the American (Boston) Statesman, alleging that "an attempt was made some days previously to the appearance of the queries in the New York Statesman, to procure their insertion in one of the most respectable newspapers in that city, but that they were rejected as a groundless and scandalous libel." No such attempt was made, and the editors of the New-York Statesman were perfectly correct in assuring the public, that the article signed *Ariel*, was not written more than two or three hours previous to its publication in their paper; and that it was not seen by any other persons than themselves and their compositors. If there are, at Boston, persons desirous of putting similar queries, I beg you to be assured, that they are unknown to me.

FOREIGN NEWS.

Great Britain and Ireland. A paper, purporting to be an injunction under the sign manual of the late king, requiring his next heir to pay the sum of 50,000*l.* to Olive Seres, (said to be a princess, the legitimate daughter of the late duke of Cumberland, by a private marriage), has been offered for probate in the Prerogative court, and, from the proceedings had, would probably be received.

The duke of York is said to have won 25,000*l.* at Epsom races, by betting on his horse called Moses. If he had lost so much money, who would have paid it?

A petition has been presented to parliament, by the clothiers of Yorkshire, praying a repeal of the duty on foreign wool—the tax having failed to raise the price of home wool. It was stated that cloths could not be made without a mixture of foreign with home wool.

The New York American observes—It is not surprising that the supporters of the present system of government in England, should adhere pertinaciously to the present order of things, especially when we hear a man so celebrated as Dr. *Inshington* observe, that "he believed, in his conscience, that revolution must precede reform."

A person was lately brought before a magistrate and severely reprov'd, for growning at the king, when he lately visited the theatre; but released without giving bail for his good behavior, at the request and guarantee of his father.

Navigation bill. In the debate on this bill—Sir W. De Crespigny protested against the principle of the bill. It was equally hostile to ship-owners and seamen. Sir W. Ridley said the expense in navigating an English ship of 500 tons, and a foreign ship of the same burden, was, including the building, insurance, sailors' wages and food, upwards of 1700*l.* against the English ship; therefore the foreign ship ought not to be placed in the same condition with the English ship. At all events, parties should have time to consider the subject before it passed into a law.

Mr. Davenport opposed that part of the bill which referred to the silk trade. Mr. Ellice suggested the propriety of giving time for the fullest consideration of the subject. Silk, which could be thrown in this country for 9*s.* could be thrown in Italy for 2*s.*

France. The death of the late duke de Richelieu (says the "Democratic Press"), brings to mind an historical fact of some value. That nobleman, it is well known, was, in 1815, by the emperor of Russia, made prime minister of France. He remained in that station some years. During all that time, and, we believe, to the present time, the name of the duke de Richelieu has been regularly published in the Russian court calendar as a major general in the service of Russia, "*absent on leave.*"

Spain. Accounts from Madrid, as late as the 24th of May, have been received. It appears that, in several parts of Spain, the factions were in considerable force. There is a long detail of a battle between the regular forces and of many persons headed by a friar, at Tarrega, in which the latter was defeated, with the loss of many men—"the field was left covered with their bodies." Another fight, between other parties, took place at Esplugade Francoli—the factious were again defeated, but they returned and plundered the town the next day, and retired to the mountains. 2,500 men were collecting at Tarragonia, to restore and preserve order. The insurgents had also attacked the town of Igualada—but they were beaten off, with the loss of half their number. The latest accounts say that order had been restored in some of those parts of the country, and that the factious had presented themselves to the magistrates, and delivered up their arms.

Sweden and Norway. An English paper says that since the union of Norway and Sweden, the population of the former kingdom has increased 140,000, and that of the latter 600,000. This augmentation is caused by emigrants from Denmark, the government of which, according to the Swedish journals, is not so liberal as theirs.

Porto Rico. The privateers of this island proceeded in the capture of vessels leaving the ports of the Maine, not possessed by the royalists. It is really to be apprehended, from what is occurring on the coasts of Cuba and taking place at Porto Rico, that bands of adventurers may be collected in those islands whose depredations will partake of the most extensively destructive character of any thing of the sort which we have yet heard or read of.

Columbia. The royalists are still in some force in the province of Coro—but they cannot effect any thing important. Porto Cavello was yet besieged by the patriots, who had just raised a battery

of two 24 pounders to play on the city, which was greatly annoyed. La Torre had turned 120 persons, women and children, out of the garrison, and they were kindly treated by gen. *Puez*. The war in Quito was regarded as having ended.

It is stated that all the foreign ministers at Paris (among them the British), returned the diplomatic note which was addressed to them by Mr. Zea, the Colombian envoy.

Mexico. An arrival from Vera Cruz gives some account of a debate in the Mexican congress on the 13th of May; one of the members said—"You have heard from the lips of the secretary of relations, that the United States have introduced as many as sixteen companies of men, through the point of Nacodoches. For what purpose? Beyond a doubt, without any other view than to invade us."

It is regretted that such a silly thing should be stated or suggested—but it may be that the story was got up for the purpose of inducing the congress to place a strong military force under the command of the emperor, as the adjustment of the army establishment was the subject discussed. 30,000 regulars and 20,000 militia were mentioned as proper to constitute it.

The new order of things is said to be popular. The export of specie is very strictly prohibited. The castle at Vera Cruz was yet held by the royalists, who exacted a duty of eight per cent. on the value of the cargoes of vessels, before they were permitted to enter the harbor.

Prospective population of the U. S.

Having tolerably well succeeded in calculating the population of the United States for 1820, we now offer an estimate of what it will amount to in 1830, in a table inserted below. This table also shews our former calculations and the results, as ascertained by the last census; gives the present amount and estimates the progress and location of the slave population; and exhibits the present and probable representative numbers of the several states—to all which the attention of political economists, statesmen and politicians, is respectfully invited.

"History is philosophy teaching by example"—there is not less of philosophy in regarding the past than in considering the future; and it is the more important, when the past may afford some reasonable indication of that which is to come.

From the official information that we have on this most interesting subject, it does not require any great effort to calculate the general probable amount of our population, ten years in advance—but in a country like ours, in which multitudes are continually changing their places of residence and taking up their abode in others far distant from those of their birth, it is no easy matter to give them a location. As was observed, when we offered the estimate for 1820, in the REGISTER of 14th Sept. 1816, "it depends upon a variety of *indescribable somethings* which present themselves to influence the judgment." But we shall endeavor to describe some considerations that had weight with us on the present occasion, after making a few remarks on our former calculations and their result.

The calculations of 1816 for 1820.

These were made after much reflection. In regard to the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and Vermont, they were nearly correct, as by a reference to the exhibit will appear. The same may be remarked of the estimates for New Jersey, Pennsylvania, Mary-

land, Virginia, North Carolina, Georgia and Ohio. In some instances, in regard to these fifteen states, the calculation differed from the result only in a few hundreds or less, and in none, except Vermont, did they differ widely, the amounts under charge being considered. *New York*, too, was not so much out of the way, when the peculiar case of that state is regarded. We missed the mark considerably in *Kentucky*, *Tennessee*, *Indiana*, *Mississippi* (now, in part, *Alabama*) *Louisiana*, *Missouri* (now, in part, *Arkansas Territory*) and *Michigan*. These all fell much short of the calculation, except *Mississippi* and *Alabama*, to the latter of which there was an astonishing emigration, and the wilderness was, as if by magic, converted into cotton and corn fields. The power of emigration took a turn that few, if any, anticipated—and *Kentucky*, &c. were not only deprived of their usual supply, but contributed much to the population of *Alabama*. The general deficiency of the aggregate amount of the calculation, is chiefly to be found in the last mentioned states. Our calculation was, that the whole population, in 1820, would be 9,964,178, or about 300,000 more than the real amount appeared to be—so the estimate was only three per cent. different from the result. The discountage to matrimony by the war, the absence of many men from their homes, and the decrease of no small number in the camp and field, with the check given to emigration from foreign countries for about three years, may reasonably account for this deficiency. The curious enquirer knows how to appreciate these things, and can understand their effect on population. The occasion, however, is well fitted again to endeavor to undeceive some as to the immediate power of foreign emigration, on the growth of numbers in the United States. We seldom, if ever, directly receive 15,000 strangers in a year. Sometimes less than 10,000, perhaps hardly 5,000; but these, being generally young and healthy persons, and, feeling themselves so located that they can provide for the wants of a family, they soon yield obedience to the first command, and their increase acts in a geometrical ratio.

Remarks on the estimates for 1830.

We shall enter into some details that we may partially exhibit what was the course of our reflections, or of reasoning and calculation. It has cost us much labor, and, with our present views or lights upon the direction of emigration, believe it is as nearly correct—as can be expected. It is very possible, that the current now setting to the states north-west of the Ohio, may extend itself to the erection of a new state north of Illinois and extending from Lake Michigan to the Mississippi—or that the current which reaches *Alabama*, &c. may make a halt at Florida. Six new states—viz *Louisiana*, *Mississippi*, *Alabama*, *Indiana*, *Illinois* and *Missouri*, were added to the union in the last ten years; and we can expect that *Arkansas*, and *Michigan*, at least, with perhaps, *Florida*, and a north western state, for which we have heard the name of *Franklin* suggested, may spring up in the same period ensuing. But how this will be—no man knoweth; and we have not made any allowance of population for them, specially or individually. Their probable, or possible numbers, are included in the common amount.

We shall proceed to give a few remarks on particular cases, and then make some general observations on the result of our estimates.

The ratio of increase allowed for the six states—*Maine*, *New Hampshire*, *Massachusetts*, *Rhode Island*, *Connecticut* and *Vermont*, is offered with a con-

siderable degree of confidence. It is a little, but not much, diminished from the former successful estimate. As the population becomes more dense, the disposition to emigrate is commonly promoted—but the habits, even of the people of these states, are changing; they are applying themselves more and more to manufacturing, and may long maintain an increase of inhabitants by new applications of industry and economy, while still furnishing large supplies of people for the new states. A spirit too, is abroad among them that may push their numbers far beyond the estimates. Several important canals are contemplated, some of which will, doubtless, be perfected. The force of internal improvements on the population of states, is yet only presumed in the United States: we shall know it in the next ten years. But it is wonderful that we cannot appreciate it now. The reason, perhaps, is—that we do not like the trouble of thinking.

Some will be surprised at the supposed accession to the population of *New York*, but the capital that is to render it must be thought of, as well as what may be expected from the mightily increasing trade of her great sea-port (the second seat of foreign commerce in the world), and her gigantic and truly sublime internal improvements. Her increase from 1810 to 1820 was at the rate of 40 per cent. we have added 8 per cent. and supposed it would amount to 48, for the ensuing ten years—by reason of the things just stated, and the astonishing increase of manufacturing industry, growth of sheep, flax, &c. and means of subsistence. The whole course of her canals will be as through a continuous village, and millions of acres of as good land as the state contains, are not yet brought into cultivation. The ready market afforded for their product will not suffer them to lie waste. If no great unforeseen event happens, our estimate will prove short of the amount in 1830. Villages, containing 50 or 100 houses, appear to spring up as if in a night. Buffalo, so remote that hardly any one knew whereabouts it was before the late war, will, very probably, have 20,000 inhabitants before 1830—and so on.

We have given to *New Jersey* about the rate of increase that she supported in the last ten years. There is a large emigration from a part of this state, but the manufacturing districts are rising in population.

There is no one of the original states that gave us so much trouble about a ratio as *Pennsylvania*. She is an emigrating and immigrating state, on a large scale. Notwithstanding her increased population, we have allowed her a trifle more than the actual rate of her increase in the last period. The powerful efforts made in this state to facilitate internal intercourse, by roads, bridges and canals, and improving the beds of rivers—the revival of manufactures, and her great resources in coal, iron, &c. will, probably, fully maintain the rate allowed. We think it more likely to shew an increase than a diminution, by the census next to be taken. It should be recollected also, that since the census of 1810, this state has passed through that depopulating ordeal, the accursed paper system—her rascal-litter of banks has disappeared, and their effect has nearly ceased to operate. Among his checks to population, *Malthus* ought to have put down manufactures of paper money.

Delaware and *Maryland* are rapidly going a-stern. They are emigrating states, and from the latter many slaves are transported. The increase in these may be said to be confined to the manufacturing parts, or those counties in which there are the fewest slaves. This is an important truth, and it is ap-

aplicable to such districts in most of the other states so conditioned. The census of 1820 speaks in a language that should not be disregarded. It is the thunder of fact—shewn in obstinate figures.*

A few additional remarks may be made on the condition of Delaware and Maryland that will equally suit the “meridian” of others.

The whole amount of “manufacturers” returned by the last census, for Delaware is 2,821, many of whom are heads of families. Of these 1,444, or more than one half of the whole, are located in the small “hundreds” of Brandywine, Christiana and Mill Creek.

In 1800, these county divisions contained 10,702 persons—in 1820 they had 14,197—shewing an increase of *thirty-two and an half per cent.*

Cedar Creek, St. Jones’, and Baltimore hundreds, in the same state, have the fewest persons returned as manufacturers—only 40 in all. In 1800, these county divisions contained 5,530 persons; in 1820, the census gave them 5,927, or an increase of *one per cent.* in twenty years.

For Maryland, the amount of manufacturers returned is 18,640—of these 11,247 are located in Baltimore, Frederick and Washington counties, which, by the note inserted below, have increased at the rate of nearly *fifty per cent.* in twenty years. Charles, Prince George, and St. Mary’s counties,

*We shall take a few counties in Maryland and Virginia to shew the force of this remark. Those put down to were selected by chance, just as they appeared to have the greatest and the least proportion of slaves in 1800, and will serve to shew that the general idea is a correct one.

In Maryland.

	1800.		1820.	
	Slaves.	Total.	Slaves	Total.
Baltimore, city and county.	8,826	59,130	11,087	96,190
Washington	2,200	18,650	3,201	23,075
Frederick	4,572	51,523	6,648	40,549
	15,598	109,303	20,936	159,815

The population has increased at the rate of nearly 50 per cent.—and the slaves are a little more than *one eighth* of the whole.

Charles	9,558	19,172	9,419	16,500
Prince George’s	12,191	21,185	11,185	20,219
St. Mary’s	6,399	13,699	5,975	12,974
	28,148	54,056	26,579	49,693

And the population has *decreased* at the rate of one per cent. and the slaves are more than one half of the whole.

In Virginia.

Monongahla	163	8,540	375	11,060
Ohio	257	4,740	419	9,182
Shenandoah	738	12,547	1,901	18,926
	1,158	25,827	2,695	39,168

Shewing an increase of *thirty three per cent.*

Brunswick	9,422	16,399	10,081	16,687
Caroline	10,581	17,447	10,999	18,008
Dinwiddie	6,868	11,853	7,751	13,972
	26,871	45,699	28,831	48,667

Or, an increase at the rate of *one per cent.* in 10 years.

Further examples are needless. We have not examined the rest of the states, but suppose that the facts exhibited will generally hold good.

have only 1,173 persons returned as manufacturers, and their population has *decreased one per cent.* since the census of 1800.

From these facts it will appear evident that we should not have allowed any increase to Delaware and Maryland, though their population is very sparse, but from the expectation of a rapid increase in the manufacturing districts, when the consumer, in the language of Mr. Jefferson, is placed by the side of the producer. Such is the operation of the *home market*—plenty reigns and population rises wherever this market is established. It is needless to add, that a free population is the first principle of power in a state. The best lands are worth nothing untill’d—and a million of muskets, without hands to use them, would be as harmless to an enemy as so many corn stalks.

In Virginia and North Carolina the increase is chiefly confined to the new western counties. There is a comparative decrease in the eastern districts, on account of the emigration from what are called *worn out* lands to Alabama, &c. To Virginia we allow the rate of increase indicated by the last census; to North Carolina three cent. less, because of a greater proportionate degree of emigration, which effects her interior just now.

To South Carolina and Georgia, jointly, there will be a considerable increase; because their great staple may not be materially affected, by extra production, for a few years to come. The western parts of these states are populating pretty rapidly—the eastern are throwing out some emigrants and a good many slaves. The latter nearly equal the white inhabitants according to our estimate, as it is shewn that they do at the present time by the census.

Kentucky and Tennessee will receive a large accession of people, but it would have been much larger, especially in the latter, if the *paper* system had not been adopted. It has driven off its tens of thousands, and, in a great measure, checked fresh supplies of people. On account, however, of an increased industry applied to manufactures and the general habits of economy introduced by suffering, it is to be hoped that these fine states will recover themselves after a little while, and advance again as rapidly as ever to power, through population.

Ohio assumes a very important rank in our estimates—the third state for representative power. Though the *capital* to act upon has increased 150 per cent. we have allowed to her prospective population an increase of only 70 per cent. in ten years—or an advance in numbers not much greater than the *actual* advance exhibited on her small capital of 1810. It cannot be supposed that the future emigration will bear the same *proportion* to the present population that it did formerly—yet it will be great. The choice of the New York and New Orleans markets is about to be offered to her inhabitants, and the effect is visible in a thickening of the people in the north of the state, though as yet nearly a wilderness. The success of her manufactures is already apparent—she exports wheat, wool, flax, &c. in large quantities, to the Atlantic states, in the form of cloths, &c. This is the true policy of all the interior districts and states. It is a trite and true saying, “that hogs are the best sacks to carry corn to market in”—and its point applies with much more force when we extend the idea, and say, that hogs are best carried to market in broad-cloths, linens and other manufactures.

The press of people to Louisiana has been arrested by Alabama, partially extended to Arkansas and will probably be further inferred with by Fls.

rida—still, as her capital is small, the increase will bear a high *per centum*. The same remarks may be applied to *Mississippi*, which, indeed, also furnishes many emigrants to Texas, &c.

Alabama is the wonder of the south, and, though her population is already very handsome, her increase may be at the rate of 125 per cent. for the ensuing ten years. Her lands are cheap and good, and generally healthy—their product valuable. This state has risen more rapidly than any other except Ohio, having received the chief force of the southern emigration for four or five years past—a part of which is now, however, stopping in Florida. The amount of slaves given to this state, seems large—but it must be recollected that the great staple is cotton—that much more land is purchased than is cultivated, and that the chief purpose of the land holders will be to supply it with laborers.

Indiana, Illinois and *Missouri* may increase much more, or a great deal less, than we have estimated their increase at. The same may be said of the present territories, *Michigan* and *Arkansas*. The current of emigration is not only oftentimes augmented or diminished by circumstances, but its direction is always uncertain. As before observed, it is, however, probable that the territories will become states before the next census.

We cannot make any calculation about *Florida*. The present population is nearly 8000. The title to lands in this territory is very uncertain—and speculation, as well as actual settlement, is greatly retarded by it. The Indians too, seem to be in the way, for they occupy many of the most fertile districts. We know but little of the country as yet—some accounts make it a paradise, and others report it as consisting chiefly of barren sands and unhealthy swamps.

Nor are we able to estimate what may be the population of the country north of Illinois and extending from lake Michigan to the Mississippi.—The land has not been surveyed, nor is much of the Indian title extinguished. There are reasons to believe that there will be a rush of people to this territory at some future day, but when we cannot undertake even to suppose.

GENERAL REMARKS.

Having made up our aggregate of 12,778,812, as the amount of the population of the United States in 1830, we thought we would ascertain, by the rule of three, how this estimate stood with the facts as ascertained, and we stated the question thus—avoiding fractions of thousands: If 7,240,000 in 1810, gave an increase of 2,420,000 in 1820, what will 9,660,000 give in 1830? The product is 3,230,000, which, added to the capital of 9,660,265, amounts to 12,890,265. This differs from our calculation only in the sum of 111,453—and when the reader is assured, that the estimate for *each* and *every* state was made on considerations of *its own* nature or prospects, without the remotest idea as to what the aggregate would produce, he will find reason to apprehend that much caution and care was used, and that some degree of reliance may be placed on the result.

The progress of the slave population is also estimated, and we have attempted to locate this most unfortunate race of people. We apprehend that, in 1830, there will not be any slaves in either of the states east of Delaware or in those north-west of the Ohio, though there is now a few in some of them. If any should remain, they will be aged persons; for slaves cannot be in any wise introduced into those states.

The amount of slaves in 1810, was 1,191,364—in 1820, 1,547,534;* then, by the rule of three, if 1,191,000 give an increase of 356,000, what will 1,547,534 produce? The answer is 462,000, which, added to the capital of 1,547,536 makes an aggregate of 2,000,534, and this agrees very nearly with our supposed amount of this people, though calculated and located without counting on the general product, until the table was finished. In respect both to free persons or slaves, we have felt pleased that the *estimates* rather fell short of what the application of the above rule produced—for, though the war, &c. as before stated, undoubtedly retarded the progress of population in the last ten years, still it appears to us that, as the amount of capital increases, there will be *some* reduction of the ratio of increase—but such reduction will not be large until our country is much better filled with people than it now is. This may be easily understood by reflecting that 5,000 foreign emigrants, acting on a capital of 100,000 persons, shews an increase of 5 per cent. but the same number operating on a capital of 200,000, advances the amount only at the rate of 2½ per cent.

In estimating periods of ten years for the increase of a people, it must be recollected that they act geometrically: and thus, though one period of ten years may shew an increase of only or less than a third, the population may double in 25 years, because increase begets increase. These minutiae may be deemed superfluous by many, but we are anxious that every one should understand us, and advance in the knowledge of political economy.

In making an attempt of this sort, we are perfectly assured that we render ourselves liable to suspicions of partiality; and, possibly, some, in not less than 20 of the 26 states and territories, will think that their peculiar section has been underrated. We have not the least wish to deprive any one of the right of thinking as he pleases—but would beg leave respectfully to assure every reflecting person, that the estimates have been made with conscientious views to the results—with a spirit to indulge a laudable curiosity and encourage the study of statistics—to *instruct* ourselves and others.

EXPLANATION OF THE TABLE.

The first division of the table (shewn by the double rule), gives the names of the states, the rate of per cent. of increase allowed in 1816 for the amount of the population in 1820, the product of the calculations upon it, the real amount ascertained by the census; and what proportion of the whole people were slaves. The second division of the table shews the rate of increase allowed for the ensuing ten years, the amount of free persons and slaves, and the aggregate of both, with the present representative numbers of the several states and what they will amount to, according to the estimates, in 1830. The representative number is determined by adding to the amount of *free persons* three-fifths of *all others* (meaning slaves), except Indians not taxed. In the column shewing the probable amount of slaves, there are a few, and a very few only, of this people in the states marked thus: (*), but we have supposed that slavery would be extinct in them in 1830.

*This includes the 6,098 slaves contained in the additional return from Kershaw district, South Carolina, and allows 10,000 for the imperfect return of the population of Alabama.

STATES AND TERRITORIES.	Supposed rate of increase.	Estimated amount.	1820.		Of whom were slaves.	ESTIMATES FOR 1830.				Representative numbers in 1830.	Present Representative numbers
			Real amount.			Supposed rate of increase.	Free persons.	Slaves.	Total.		
Maine	30	297,315	298,335	:	:	25	372,919	:	372,919	372,919	298,335
New Hampshire	15	246,629	244,161	:	:	15	280,785	:	280,785	280,785	244,161
Massachusetts	10	519,244	623,287	:	:	10	575,616	:	575,616	575,616	523,287
Rhode-Island	10	84,624	83,059	:	48	5	91,365	:	91,365	91,365	83,058
Connecticut	5	274,539	275,284	:	97	5	289,048	:	289,048	289,048	275,208
Vermont	25	272,569	235,764	:	:	18	271,129	:	271,129	271,129	235,764
New York	50	1,438,573	1,372,812	:	10,088	48	2,031,762	:	2,031,762	2,031,762	1,368,775
New Jersey	17	287,306	277,575	:	7,557	15	319,211	:	319,211	319,211	274,531
Pennsylvania	33 ⁺	1,080,131	1,049,398	:	211	28	1,343,229	:	1,343,229	1,343,229	1,049,513
Delaware	12	81,394	72,749	:	4,509	8	76,569	:	76,569	77,769	70,943
Maryland	10	418,460	407,350	:	107,398	7	324,873	:	324,873	391,873	364,389
Virginia	15	1,120,815	1,065,366	:	425,153	9	691,250	:	691,250	973,250	895,503
North Carolina	15	638,825	638,829	:	205,017	12	455,488	:	455,488	611,488	556,821
South Carolina	20	498,140	*502,741	:	251,783	15	283,151	:	283,151	447,855	389,594
Georgia	30	329,202	340,989	:	149,656	25	236,236	:	236,236	350,236	281,126
Kentucky	60	650,417	564,317	:	126,732	30	558,613	:	558,613	663,612	513,623
Tennessee	75	458,021	422,813	:	80,107	35	460,797	:	460,797	570,798	390,769
Ohio	150	576,890	581,434	:	:	70	988,437	:	988,437	988,437	581,434
Louisiana	125	172,231	153,407	:	69,064	30	99,429	:	99,429	125,779	125,779
Mississippi	125	90,792	75,448	:	32,814	40	60,627	:	60,627	87,627	62,330
Alabama	700	171,640	†150,000	:	†41,879	125	197,500	:	197,500	281,500	110,339
Indiana	600	73,692	147,178	:	190	125	331,150	:	331,150	331,150	147,102
Illinois	600	73,692	55,211	:	917	250	193,238	:	193,238	193,238	54,843
Missouri	500	104,075	66,586	:	10,232	150	141,465	:	141,465	156,465	62,496
Arkansas	500	104,075	14,273	:	1,617	500	55,638	:	55,638	85,638	
Michigan	500	28,810	8,896	:	6,377	500	53,376	:	53,376	53,376	
District of Columbia	50	36,054	33,039	:	:	30	32,951	:	32,951	42,951	
		9,964,178	9,660,265	:	1,531,436		1,962,000	:	1,962,000	12,778,812	

* In South Carolina, the return from Kershaw is included.
† The official return of Alabama gives an amount of 127,501, but it is well known that returns from several districts had not been received, provision for which was made by congress in the Apportionment act. It is believed that 150,000 is very near the real number of persons in this state. The amount of slaves is, perhaps, 10,000 more than here stated—but included in the supposed "real amount."

The following table shews the number of representatives to which the several states were, or are entitled according to the apportionment by the ratio of 33,000 fixed for 1790 and 1800,—of 35,000 for 1810,—of 40,000 for 1820—and of 50,000, which will probably be about the ratio of 1830, founded on our estimates. It is intended to shew the comparative political progress of the states.

STATES AND TERRITORIES.	1st congress.	1790	1800	1810	1820	1830.	fractions
New Hampshire	3	4	5	6	6	5	30,785
Maine	8	14	17	20	23	11	25,919
Massachusetts							
Rhode Island	1	2	2	2	2	1	41,365
Connecticut	5	7	7	7	6	5	39,984
Vermont		2	4	6	5	5	21,149
New York	6	10	17	27	34	40	31,762
New Jersey	4	5	6	6	6	6	19,211
Pennsylvania	8	13	18	23	26	26	43,923
Delaware	1	1	1	2	1	1	27,769
Maryland	6	8	9	9	9	7	41,873
Virginia	10	19	22	23	22	19	33,903
North Carolina	5	10	12	13	13	12	11,483
South Carolina	5	6	8	9	9	8	47,855
Georgia	3	2	4	6	7	7	236
Kentucky		2	6	10	12	13	13,612
Tennessee			3	6	9	10	26,798
Ohio			1	6	14	19	38,437
Louisiana				1	3	3	9,429
Mississippi				1	1	1	37,627
Alabama				1	3	5	31,500
Indiana				1	3	6	31,150
Illinois				1	1	3	43,238
Missouri				1	1	3	6,465
Arkansas						1	23,638
Michigan						1	3,376
Whole number	65	105	142	186	212	225	

If our calculations shall be realized, the grade of the states will stand thus:

Gross numbers.	For representation.
1 New York	1 New York
2 Pennsylvania	2 Pennsylvania
3 Virginia	3 Ohio
4 Ohio	4 Virginia
5 Kentucky	5 Kentucky
6 North Carolina	6 North Carolina
7 South Carolina	7 Massachusetts
8 Massachusetts	8 Tennessee
9 Tennessee	9 South Carolina
10 Maryland	10 Maryland
11 Georgia	11 Maine
12 Maine	12 Georgia
13 Alabama	13 Indiana
14 Indiana	14 New Jersey
15 New Jersey	15 Connecticut
16 Connecticut	16 Alabama
17 New Hampshire	17 New Hampshire
18 Vermont	18 Vermont
19 Louisiana	19 Illinois
20 Illinois	20 Louisiana
21 Missouri	21 Missouri
22 Mississippi	22 Rhode Island
23 Rhode Island	23 Mississippi
24 Arkansas	24 Delaware
25 Delaware	25 Arkansas
26 Michigan	26 Michigan

In 1776 the population of the United States was supposed to be 3,000,000.
1790 it was 3,929,326 Increase 30 per ct. in 14 yrs.
1800 5,303,666 35 do. in 10 yrs.
1810 7,239,903 36½ do. in 10 yrs.
1820 9,660,265 33½ do. in 10 yrs.
1830 sup. 12,789,505* 32½ do. in 10 yrs.

In 1763, the population and commercial relations of the colonies stood thus:—

	Population.	Imports.	Exports.
Georgia	12,000	£14,469	£44,909
South Carolina	130,000	282,266	250,232
North Carolina	120,000		
Virginia	200,000	642,294	555,391
Maryland	150,000		
Pennsylvania	180,000	38,228	284,253
New Jersey	85,000		
New York	115,000	53,988	238,560
New England	425,000	74,815	258,855
	1,417,000	1,106,060	1,632,200

Progress of the free WHITE population.
In the year 1790 3,172,146
1800 4,296,745
1810 5,862,093
1820 7,856,269
(Supposed) 1830 10,816,812

Shewing an increase at the rate of about three hundred and forty per cent. in a period of forty years.

drawn from the table, finished several days ago, I found among my statistical scraps a calculation of the population of the U. States from 1830 to 1900. The writer estimates it, in 1830, at 12,833,655.

1840	17,116,526
1850	23,815,368
1860	31,753,824
1870	42,238,432
1880	56,450,242
1890	77,266,989
1900	100,453,985

But this progress will not be maintained. The rate of increase will naturally be somewhat lessened every ten years, without the operation of any of the violent checks to population, which such a mighty amount of numbers will subject the people to.

*At the moment of putting down this amount as

Progress of the slave population.

In the year 1790	697,697
1800	896,849
1810	1,191,346
1820	1,531,436
(Supposed) 1830	1,962,000

Showing an increase at rate of rather less than three hundred per cent in 40 years.

In the year 1790, the free whites were as 4½ is to 1, compared with the slave population; in 1820, as 5-7 to 1; in 1830, (supposed), as 6½ to 1. So it appears that the free whites are considerably gaining on the amount of slaves.

The following exhibits the amount of free persons in the several states, and shews the number of free white males in each between the ages of 16 and 45—calculated thus: if 298,000 free persons in Maine, gave 56,000 free white males between the ages of 16 and 45 in the year 1820, what will 373,000 produce in 1830? *Ans.* 70,000. Fractions of thousands are avoided; if less than 500, not counted—if more added, and called 1600.

STATES.	1830.	
	Supposed free persons.	Free white males between 16 and 45.
1. New York	2,031,762	404,000
2. Pennsylvania . . .	1,343,229	255,000
3. Ohio	988,437	188,000
4. Virginia	691,250	126,000
5. Massachusetts . . .	575,616	114,000
6. Kentucky	558,612	102,000
7. Tennessee	460,797	78,000
8. North Carolina . . .	455,488	79,000
9. Maine	372,919	70,000
10. Indiana	331,150	65,000
11. Maryland	324,873	58,000
12. New Jersey	319,211	57,000
13. Connecticut	289,048	54,000
14. South Carolina . . .	283,151	53,000
15. New Hampshire . . .	280,785	52,000
16. Vermont	271,129	52,000
17. Georgia	236,236	45,000
18. Alabama	197,500	41,000
19. Illinois	193,238	42,000
20. Missouri	141,465	32,000
21. Louisiana	99,429	24,000
22. Rhode Island	91,365	17,000
23. Delaware	76,569	12,000
24. Mississippi	60,627	14,000
25. Arkansas	55,638	12,000
26. Michigan	53,376	*17,000
27. District of Columbia .	32,951	6,000
	10,816,812	2,068,000

⊖ Deduct about 300,000 to shew the supposed amount of the free white population.

In a population like ours, so unstable as to its location, it is impossible to fix an average that will apply to particular states or districts, to shew the proportion of persons supposed capable of bearing arms—but the general amount nearly corresponds with what European writers have said on the subject, which is, that nearly one fifth of the whole

*Michigan and some others of the new states or territories, cannot sustain the rule of proportion allowed. The extraordinary fact exists that, at the last census, one third of the whole population of the territory named were free white males between the ages of 16 and 45.

population of a country are males, capable of defending it: the hale and hearty persons over 45 years of age, being supposed fully adequate to make up any deficiency that may arise from the incapacities of those between the ages of 16 and 45.—There is a greater proportion of children in the United States, under 16, to the general amount of the population, than in any other country, on account of early marriages.

Death of Mr. Torres.

FROM THE AURORA, JULY 16.

DIED—On Monday, the 15th of July, at Hamiltonville, near Philadelphia, MANUEL TORRES, minister of the Colombian republic near the United States, in the 58th year of his age.

The cause of human nature has lost one of its most disinterested and ablest advocates—and, perhaps, to Colombia and the whole of Spanish America, the loss is irreparable: nor is the departure of this rarely gifted man a light consideration to those interests which naturally unite the Northern with Southern America, in that great communion of security and unity, to the acceleration of which he had devoted the last thirty-five years of his life, and, in effect, life itself.

Mr. Torres was educated for the military profession, at the celebrated military school at Soret—his first appearance in any public character was a lieutenant in a military corps in New Grenada, under the vice royalty of his maternal uncle, Don Antonio Cabellero y Gongara, who also united the character of archbishop with that of viceroy, and the affection of the people wherever subject to his authority.

It was to his excellent military education, and the benevolent cares of this excellent viceroy, that the young lieutenant of engineers, Mr. Torres, attributed the formation of his own character and principles; and singular, as he has often remarked to the writer of this article, it was to a Catholic archbishop and Spanish viceroy he owed all those principles which taught him to set the proper value on what is called nobility, and to love liberty and be a republican. It is more than thirty-five years since he entered into measures which had for their object the emancipation of South America and the formation of a vast confederacy of free states, having a common character and reciprocal relations throughout the new world.

Twenty-eight years ago, the design was discovered; some of the conspirators—for they were then conspirators—were seized and imprisoned, among whom was Mr. Torres: the affection he had acquired, as the private secretary of the viceroy, as intendant of the different provinces, as Choco, Cartagena, and Santa Martha, rendered the walls of his prison feeble; and he found his way to the United States, where he has ever since, nearly twenty-six years, been a constant resident. During the epoch of his first years he was opulent, and he received such remittances from his connections as enabled him to hold intercourse with the most fashionable circles; the generosity of his character exposed him to imposition, and he was defrauded by men, whom he had served, of \$70,000, \$40,000 and other lesser sums; so that, at the crisis of that revolution which his unceasing correspondence and counsels, from Mexico to La Plata and Chili, had contributed to promote and regulate, he suffered in common with the friends who fought the battles, all the vicissitudes of privation incident to a loss of fortune. It was in this trying school that his virtues

were tested; and it was in this situation that those who had the honor and the advantage of his confidence, *saw the man—the patriot—the republican*—never more confident than when all around seemed desperate; and himself devising and suggesting the means, and contributing, by his magnanimous counsels and courage, to cheer the desponding, and invigorate the virtuous. To him all the agents from all sections of South America resorted, as the *Franklin* of the southern world; and in his experience and sagacity, they found the counsels and the resources by which the revolution was consummated; divisions quietted or averted; enmities subdued; the jealousies incident to revolutions frustrated; and a common sentiment, and a due knowledge of their common interests spread over South America. His talents as a mathematician, and his general learning, were transcendent; the writer of this article, who has known, perhaps, the ablest men of three quarters of the globe, never knew among them all his equal; it is not to disparage any, but to present some idea of this great man's eminence, and the heavy loss of his country, that this form of comparison is adopted.

His disease was, primarily, the asthma, with which he was periodically afflicted during the severity of our winters. Severe application to his duties, and the desire to perform himself what is usually performed by amanuensis, were efforts too severe for a frame naturally delicate. The recognition of American independence by our government, imposed upon him a duty with which he conceived he could not, at any hazard, dispense; being advised by a friend not to proceed to the seat of government in his enfeebled state, that it might endanger his life—"Well, said he, 'I have devoted thirty-five years to this object—I have lived for nothing else—and can I hesitate to consummate the last act that compensates all that I have undergone.'" But you may do your duty without hazardous life—"well," said he, playfully, "if I go off, I shall do what men who have rendered great services to their country should do—defeat envy and prevent ingratitude by my retirement." He performed his duty, visited Washington, was honorably received, returned and has lingered over the interval from that period in a slow but not a painful state—his mind perfect and composed to the last.

FUNERAL OF THE COLOMBIAN AMBASSADOR.

From the Aurora, July 18.

The testimony of public sentiment, and that cordiality which prevails between the people of the two sections of the new world, was very honorably marked in the spontaneous concurrence of the civil, military, and naval authorities, and the citizens of Philadelphia generally, in doing the last acts of respect to the first accredited minister of the first southern republic of the new world. There was much due, and much respect was paid to the great qualities and character of the individual—but it was the great cause of all America, and the sympathy produced by the recency of the recognition of the Colombian republic, and the demise of a man whose devotion to that cause, whose profound views and wisdom had contributed so much to enlighten our own government, and to strengthen the ties which had been formed by his sagacity and moderation, between the two sections of the new world, that operated to produce that generous course which was testified by the solemnity of the last service of his mortal separation.

In conformity with the virtues of the deceased, and with the usages of the country of whose go-

vernment he was the representative, the religious forms of his country were carefully observed from his demise to his interment; and the zeal of those friends to whom he had committed the care of his concerns, had provided that nothing should be omitted which the laws of hospitality and the customs of his country appeared to call for, from the liberality of the community among whom he had spent so many years.

The trustees of St. Mary's church, to the credit of their liberality, offered their cemetery as the depository of his remains, and the reverend pastor of that church himself, as it were, but just risen from the chamber of his convalescency, to join in the religious service, which, from the peculiarity of the occasion, he deemed too important not to call for the efforts of his holy zeal, even under too evident ill health.

The civil authorities of Philadelphia assembled very soon after the hour publicly notified, at the house of Richard W. Meade, esq. and were soon joined by the officers of the navy, who, at the invitation of commodore Bainbridge, hastened, with the accustomed alacrity and generosity of the naval character, to join in the common tribute of respect to the representative of a sister republic of the new world.

General Cadwallader and the military corps of his division—and the officers of the uniformed corps of the city generally, also assembled.

The procession formed at a few minutes before ten o'clock, and proceeded down Walnut street to Eighth—thence by Spruce street to Fourth—and thence to St. Mary's church; where the bier being deposited in the great aisle, a solemn service was executed by the organ and choir of the church.

The bier was then conveyed to the place of interment, where a brick vault had been prepared to receive it, and the interment took place with an imposing solemnity—the deceased being at once the first ambassador of South America, and the first foreign diplomatic character who died since the establishment of our government.

ORDER OF THE PROCESSION.

Two vergers, with staves.

A file of infantry in advance.

An armed infantry corps to do military honors.

A band of wind instruments and tambours.

A band of fifes and drums, musical corps, alternating solemn music.

Two corps of armed infantry.

A beadle or vergers.

A carriage with the reverend Mr. Hogan and the reverend Mr. O'Flinn.

The bier in a covered hearse.

The chief mourners.

Commodore Daniels of the Colombian navy.

Four youths of the Colombian republic: two of them sons of gen. Paez, a third his adopted.

Judges of the supreme court, and other courts.

The executors of the deceased,

R. W. Meade, esq. and colonel Duane.

The agent of independent Mexico.

The agent of free Brazil.

Officers of the Colombian and Mexican navy.

The physicians of the deceased.

Reverend clergymen of the reformed churches.

Gentleman of the bar.

The officers of the city corporation.

Officers of the United States' navy, in uniform.

Officers of the United States' marine corps.

Officers of the uniformed corps.

General Cadwallader and snit.

Citizens in double files.

A band of wind instruments.

A band of fifes and drums, alternating solemn music.

A train of citizens in carriages.

When the advance of the funeral party had gained the entrance of the church yard, the armed corps who had marched with arms in reverse, opened to the right and left, facing inward, and resting on arms reversed, the procession continuing through the avenue thus formed, into the great aisle, where the usual service of the dead, according to the Catholic ritual, was recited in the English language, by the rev. Mr. Hogan, assisted by the rev. Mr. O'Flinn; and, after an anthem, the bier was carried in procession to the vault which had been prepared for the reception of the corpse; and being "committed ashes to ashes, and dust to dust," the religious service terminated, and the military funeral party proceeded to do the honors of a military salute of three volleys.

From 8 o'clock to 2 in the afternoon, the colors of the vessels in the Delaware were raised half mast; and a great number of ship masters and officers who had not apprized the regulators of the funeral of their presence, fell in with their fellow citizens, and considerably prolonged the train of the procession.

The concourse of citizens was very great from some time before 9 o'clock; and though the distance from the place of the commencement to the church was not very great, it was half past 12 before the funeral was terminated.

The Russian Ukase.

The following articles are inserted, as well for the purpose of shedding some light on the subject, as to shew the feelings of certain persons in England, about the late gigantic claims of Russia on the north Pacific ocean and the lands located upon it:

From the London Times. In the month of December, the attention of this country was besought to the dangerous doctrines contained in the Russian ukase, by which that power has appropriated to itself the whole of the north-west coast of America, up to 51 deg. north, and of the coast of Asia up to the 45 deg. 51 min. and by which it declared that no ship, on pain of confiscation, should come within one hundred miles of either of these coasts, including, in America, the possessions of the North West Company, and, in Asia, a portion of the Chinese empire; neither of which countries has, even by the latest accounts, been surrendered by lord Londonderry to the emperor Alexander, as his lordship did when he gave up Java and the Moluccas to Holland, without knowing that he had done so. So sunk has the country been by its misfortunes, that the imperial document has been permitted to pass without one individual of the British parliament having ventured to observe upon it, and so completely has the proud spirit of England been beat down.

Luckily for the world, the United States of America have not submitted, with equal patience, to the decrees of the autocrat. An important discussion is now depending between these two countries—a discussion in which we, however, are much more deeply interested than the United States, inasmuch as the ukase of the emperor includes much which is actually settled by Englishmen, and forbids us at the same time from trading with a portion of Chinese Tartary, when an opening for our enterprise was likely to be attempted.

The real views of Russia are of a nature and extent beyond any thing formidable, as her minister at Washington (who, from his name, seems to be as little of a Russian as Pozzo di Borgo, or Capo d'Istria, or many other of the ministers of that power), contended that the emperor might have shut up the whole of the northern Pacific, as he possessed dominions on each side of it.

It would have been well if lord Melville had ascertained this law of nations before he sent to discover a north west passage, which thus, if discovered, would be nugatory. In the same manner, and with somewhat better chance of success, as to the execution of her decree, might England declare the northern Atlantic closed to the ships of modern Russia. How long are we to submit to such encroachments, in order to support the principles of the holy alliance? It cannot but be considered as a matter of some curiosity to see that this important question is left to the decision of the two youngest nations in the world; and that France and England should equally submit to have a new law of nations imposed on the world.

From the Liverpool Mercury, of May 31—The autocrat of Russia, the magnanimous Alexander, not content with his own immense territories in Europe, has put in his claim to the north-west coast of America, from the pole, if it extend so far, down to the fifty-first degree of latitude. His royal ambition is not content with this manorial usurpation of upwards of two thousand miles—and he accordingly extends his imperial surveillance over all the sea between the coasts of Asia and America. This sea is about four thousand miles broad; and no vessel, except Russian, must presume to approach nearer to the coast than one hundred Italian miles.

This is a subject to which it is probable we shall have frequent occasions to revert; as the wholesale claims of the northern despot, if persisted in, must necessarily lead to maritime war; in which event, England can scarcely remain a passive spectator; and the million bayonets of Alexander will avail little in a contest with the well-armed navy of the United States. In another part of our paper, we have given a brief view of the correspondence between the Russian ambassador and Mr. Adams:—for the present our limits will not allow us to enlarge upon the subject further than to observe, that the question of war or peace will entirely depend upon the will and interest of Russia, without any regard to the honesty of the measure: as such common-place considerations are beneath the notice of so distinguished a member of the holy alliance.

The Chinese and the British.

Chinese edict relative to the fatal affray with the English at Lentin.

Yuen, guardian of the prince, member of the military board, governor of the two Kwang provinces, &c. &c. hereby issues an order to the Hong merchants, requiring them to make themselves fully acquainted therewith.

The Hong merchants have presented a petition from the English ship captains, in a foreign language, accompanied by a translation, in which it is said—"We, the English ship captains, Pa-te-shin, (Patterson), Wei-le-she, (Welstead), Me-tip-lip, (Mortlock), So-ke, (Scott), Lich-keen, (Larkin), Neen, (Narne), Cap, (Cobb), Tok sang, (Cruikshanks), Leen shee, (Lindsay), Ya-she chay, (Alsager), Piet-che lun, (Mitchel), and the others, again with the various mates, writers, surgeons, have received your excellency's edict, sent to the ship,

saying that all the captains have been quiet, and made no disturbance. From this, we perceive that your excellency is very intelligent, but we can do nothing with the man of war officers at Lentin.

"We, the captains, mates, writers, (pursers), and surgeons, brought hither a great many goods, which we have exchanged with the Hong merchants for tea and other commodities, and when we heard that trade was stopped, they could not be shipped, and that the company's treasure alone was allowed to be shipped, we were anxious and sorry, (or melancholy.)

"We now beg that your excellency will allow the goods of the captains, &c. to go on board. Our import goods have all been bartered for other goods, which we are not now permitted to export or deliver to the owners of the goods, and therefore we have no money to take back.

"We now beg your excellency that you will be graciously pleased to allow the goods to be exported, and we shall feel grateful in no small degree, &c."

"Thus the affair came before me, the governor. I find that these ship captains have for years traded in Canton in peace and quietness, and have obeyed the laws, and I, the governor, have, on all occasions, in imitation of the great emperor, shewn to them increased compassion.

But now, Richardson's cruiser has permitted the foreign man of war's men to beat cruelly the natives and causing the death of two, and the wounding of four; and since he never delivered up immediately the foreign murderers, nor delivered the foreigners, reported to be wounded, to the Chinese officer, to wait for an inquiry or examination of them, but undeviatingly presumed on a course barbarous and unreasonable.

The said nation's chief also made protest to excuse himself and evade the subject; but the celestial empire's laws are strict and severe, and it was indispensable to examine into former precedents, and to interrupt, for a time, the commerce.

According to the petition, the man of war's affairs do not concern them; but it is not unknown, that, although this case occurred with the cruiser, the reason of the cruiser coming so far as Canton, is the protection of the trade; and, as all sorts of intercourse with the said nation originate in commerce, it is impossible not to implicate the commerce in the prosecution.

These ship captains do not go to the chief and the cruiser and reason with them, but turn to the Hong merchants and get them to present petitions to me the governor, annoying by their representations, which may be called inverting the right order of things.

In answer to the foregoing petition, it is hereby ordered, that the Hong merchants make haste and command the chief to transmit this edict to the said ship captains, and, as before, let the Hong merchants command the linguists to explain this edict to every ship; that originally the foreigners killing the natives did not concern them; but the celestial empire knows the crews only in the capacity of convoy to trading ships at Canton; and whilst they are tranquil, the trade is permitted; but when they are not tranquil, it is interdicted. Let them, with even minds, reflect, "that he who kills a man shall forfeit his life," is a general law in and out of China; and shall it be, that people, with muskets, swords, and fire engines, shall murderously kill others, and not forfeit their lives?

If this said cruiser would speedily deliver up the murderers to forfeit their lives, on evidence given,

the laws of that country would be seen to be strict and intelligent, and the said chief and the naval officer would manage in a way creditable to themselves; but now, opposing and delaying for a long time, without delivering up the parties, it is apparent that the laws of the king of that country are without efficacy on the chief and naval officer, and the authority of the chief and naval officer are without efficacy on the multitudes of foreigners, and they are not only detested by the celestial empire, but are objects of scorn to other nations.

And as the naval officers' petitionary representation says that the foreigners were wounded by the natives, I, the governor, commanded forthwith that the local officer should collect all the natives that were on the spot that day, and have them ready at hand to forfeit their lives for any that might die (of the foreigners) or be otherwise punished for those that might be wounded; but, on the contrary, the cruiser would not obey the orders and deliver up the persons to await for the local officer to examine them, the meaning of which is, that not only shall all foreigners kill the natives without forfeiting their lives, but, if natives wound the foreigners, there is no occasion to examine the wounds whether they be slight or severe, or whether they be wounded or not, but natives must be punished on the bare petitionary statement of the naval officer. Where, in all the world, is such reason as this!

I, the governor, in not cutting off the cruiser's comrade, and allowing port clearances to the three ships, *Fa i see*, (Heviside), *Pai-shin*, (Patterson), and *Tuck-sang*, (Cruckshanks), and the completing of their cargoes that they might leave, have shewn lenity beyond what the mark required, and cannot again bend to grant indulgence. If they, the captains, &c. are now pressed by the approach of the proper time of departure, and cannot ship their goods, and are anxious, and troubled, and melancholy, they should reflect that the chief and the naval officer of the cruiser, at the distance of many thousand leagues, over an immense ocean, received an important trust from the king of their country, but they have not known how to be careful of the commerce and protect the goods; and when the cruiser did not restrain his men, the chief has not been at pains to persuade the cruiser to what is right; in all of which conduct, they, in respect to those above them, turn their backs on the trust reposed in them by the king of their country, and in respect to those below them, they belie the support which they should give to the captains.

I, the governor, adhere to the laws, and whether good or evil befall them, it is of their own taking; they should criminate the chief and the cruiser, and need not, on impossible subjects, with empty words, solicit favor, and annoy by requests.

Having given forth this detailed proclamation, those captains, and the others, should be able to comprehend more clearly the cause of the stoppage of their trade, and that it was not I, the governor, who desired to stop the trade.

A special edict.

Year of Kaow Kwang, 12th moon, 13th day, (5th Jan. 1822.)

☞ The following account of the origin of the quarrel between the Chinese and the British, is given in a late London paper, on publishing the edict just above inserted—

"According to the information which we have derived from the known correspondent to whom we are indebted for the Chinese edict, there was no justification of the original quarrel on our part.

and that the conduct of our naval force in those seas has not been characterized by prudence and wisdom. Admiral Blackwood, who commands in the East Indies, is blamed for endeavoring to entice sailors from the Iadiamen, and depriving them of their best hands at a period of profound peace, when he might easily recruit in other quarters.—The Topaze is said to have been sent to China with the hope of obtaining volunteers from those ships that had not come within the admiral's reach on their passage. The Chinese are extremely jealous of ships of war, and never allow them to enter their harbors. While lying off Lintin, the frigate, notwithstanding the known disposition of the natives, sent several parties on shore, and among the rest a party to cut brooms. Chinese property is minutely divided, and therefore any given portion of it is the more valuable to its owners. This invasion of it was therefore at first resented, and at length resisted. The peasants and laborers mustered in force, and as the party of sailors was small, drove them from their grounds, pursuing them to the waters edge, when they were surprised by a fire from the guns of the frigate, intended to cover the retreat of the crew. The natives took to their heels when they saw additional numbers of seamen armed with cutlasses landing to support their companions. The latter pursued them to their village, where, infuriated with previous resistance, and uncontrolled by the presence of their officers, they committed dreadful outrages and in discriminate cruelties, wounding or cutting down all who came in their way, and even pulling down hoveis, that they might reach the poor creatures whom they sheltered. Only two were killed, but many were severely hurt, and the lives of several were despaired of. A poor man was cut down while protecting his wife in his arms, and a woman had her fingers lopped off. Such is the statement of our correspondent, whose letter is dated Canton, Jan. 6."

The Island of Porto Rico.

The following brief account of this very valuable island, is extracted from Bell's (London) Weekly Messenger. It is strange that the Spaniards should have thrown such an impenetrable veil over many of their best possessions, and it is to be regretted too, that some of the most valuable which they had, have been, as it were, lost to the benefit of mankind. Even of the interior of Cuba, (notwithstanding so great an amount of commerce is with Havana, and some other ports), we are almost as ignorant as of the interior of China and Japan!—though, since the revolution in Spain, more liberal ideas have prevailed in the island, and many thousand Americans are constantly in it.

"Puerto Rico, or the Rich or Golden Land, is inferior only to Cuba, and scarcely so, in fertility, beauty, and variety. It is in magnitude not inferior to the kingdom of Ireland, but as infinitely superior to it in beauty and produce, as in its bright and southern climate. It obtained this name from its manifest opulence, and under a more skilful cultivation, would well deserve it.

Upon landing on this island after a voyage from Europe, nothing can exceed the picturesque scene which extends itself before the eyes of the traveler—a land of hill and valley, a gently undulating surface, beautifully diversified by water, is closed in the distance by a line of mountains, wooded nearly to the top, and embellished by the white

houses and plantations of the inhabitants. A southern sun sheds its dazzling brilliancy over the whole scene, whilst the heat is tempered by the abundant rivulets which diversify the face of the country.—The remoter parts of the interior are still covered with the original forests and their thick underwood, in which roam the descendants of those wild dogs, which the early Spanish conquerors employed in hunting the natives.

The forests also abound with parrots and other tropical birds, whose rich and highly colored plumage add much to the character of the landscape. Cattle of a very superior quality, originally brought from Europe, and now exceedingly multiplied, are the prize of every one who can take them; poultry of all kinds is cheap and plentiful, and the rivers and sea supply the inhabitants with all kinds of fish. Living is considerably cheap and easy to those who choose to live in the country, and who will make use of their gun.

The southern coast is the most healthy as well as the most fertile. It produces as articles of commerce and use, sugar, coffee, cotton, cocoa, flax, ginger, and odoriferous gums; the three first articles in vast quantity. The north side of the island is supposed to contain mines of gold and silver, but from the want of capital, they have not been as yet worked.

The total population of the island is estimated at 150,000, but possibly it greatly exceeds this estimate. The capital of the island is Puerto Rico, which is a strong town and very pleasantly situated. It is one of the towns of which we read in the romantic voyages of sir Francis Drake, who made an attack on it in one of his buccaneering adventures, and very deservedly failed in his attempt. In the year 1797, our troops from Jamaica made a similar attack, and with a like failure.

The plantations of the island are very numerous; and, from the extreme fertility of the soil, very productive. The cultivation, however, might be very greatly extended, if British capital, or, in other words, British commerce, should find its access to this island.—Sugar and cotton might be raised in any quantity, and Jamaica grows nothing which could not equally be procured from Puerto Rico and Cuba.

There are no accounts of the exports of this island, but they may be rated at not less than one million pounds English, and under an intelligent system of commerce, might be greatly increased.

There is a great number of free laborers on this island. The neighborhood of Hayti has caused the slaves to be well treated, and generally speaking, they are not dissatisfied with their condition.

Puerto Rico would extremely well suit an English settler with a capital from two hundred and fifty to one thousand pounds.

CHRONICLE.

The U. S. ship *Hornet* is said to have arrived at Havana, with a French brig from the coast of Africa with slaves, having re-captured her from the pirates.

The frigate *Macedonian*, lost one of her lieutenants, J. H. Raud, at Port au Prince. Many of her officers and crew were sick.

A prize schooner, called the *Pirate*, under charge of midshipman L. M. Booth, of the schr. *Grampus*, has arrived at New-York. This small vessel had been fitted out as a tender, and was used to pursue the pirates in shoal water.

The steam ship *Robert Fulton*, made her voyage

from New Orleans to New York, via Havana and Charleston, including three days stoppages at those places, in sixteen days. The distance run is computed at 2,000 miles. It is believed that she can perform the voyage, direct, in the short space of ten days.

The navy. The London Courier loudly calls the attention of the British public to the progress of the navy of the United States, the character of the vessels built, &c.

Indian war. A letter from Fort Smith, Arkansas, informs us that the Cherokees and Osages are about to make peace. It has truly been an "unprofitable contest of trying which could the other most harm;" and great enormities have been committed on either side.

Northern Boundary. A Montreal paper of the 10th inst. says that the long disputed question is settled, and Rouse's Point, on lake Champlain, (at which the United States were erecting some costly works), determined to be within the British line.

The anniversary. Among the celebrators of the 4th of July, at Lebanon, (Con.) was colonel Joseph Clark, in his 93d year, and who commanded a company under the heroic Putnam on Breed's Hill, in 1775. He wore the hat which William Williams wore in 1776, when he signed the declaration of independence, and was accompanied by a son, a grandson and a great grandson.

The constitution! The law of Vermont, staying all proceedings against the bodies and property of insolvent debtors for a certain term of years, has been pronounced invalid, by the last circuit court in that state—it being considered at variance with the 18th section of the first article of the constitution of the United States, as impairing the obligation of contracts.

Inveigling. Another person, a free black man, has been found guilty, and sentenced to be sold as a slave for life, for inveigling a slave from the service of his master, in Georgia. If this law is just, what should be done to a white man that inveigles and sells a free person for a slave?

Cotton. There is a prospect of an exceedingly great crop—in consequence of which the price has much declined at New Orleans.

The Champlain canal. Many accidents, or difficulties, appear to have been encountered in the prosecution of this work, and the great dam, constructed in the Hudson river, at Fort Edward, to supply the canal with water, has again given way. The quantity of lumber on the canal, which had been nearly two months waiting for a rise of the waters, must remain there the present season, it is supposed, unless the rafts are broken up and transported by land to a market. It is valued at from 150,000 to 200,000 dollars.

The water has just been let into another section of the Erie canal, and all found to be well.

One thousand men, in addition to those already employed, are wanted to labor on the Erie canal. Liberal wages are given. That part of the canal which passes through the Montezuma marshes, is completed. Some of the workmen sickened here the last season.

Baltimore. Among the inspections for the quarter ending 30th of June there were—130,886 bbls and 7,922 $\frac{1}{2}$ bbls. wheat flour; 1,954 do rye; 1787 casks indian meal; 27,610 bbls. herrings, 6,354 do shad; 2596 kegs lard; 13,080 casks and 970 large ditto domestic liquors.

South Carolina. Some particulars of the lately projected insurrection of the blacks at Charleston, have been published. The plan was seemingly well laid and extensive; but discovered just before it was ripe for execution by some that were let into the secret. Another lot of persons, supposed to be leaders, were sentenced to death—some of them were respited, and the rest executed.

Eight negroes, in all, have been executed at Charleston on account of the late insurrectionary plot, and three, sentenced to death, are respited: about fifty more had been arrested as principal conspirators, (so says a letter from Charleston), and lodged in jail, against many of whom there was sufficient proof for conviction. It appears to have been a very serious affair.

Papers of the 20th instant inform us that sixteen more slaves, (whose names, and of their owners are given), have been found guilty and sentenced to death—to have taken place yesterday. It is added, that "the court still continues assiduously engaged in the trial of others apprehended for the above crime"—of an attempt to raise an insurrection. It appears that those respited as mentioned before, were further respited until yesterday.

Three slaves were also hung on the 19th inst. for shooting at a mail driver, on the Parker's Ferry road.

From the Ohio Missionary. Such a phenomenon as has taken place, and is still progressing in the county of Jefferson, near the Warren line, on a hill near the Ogechee river, is not common in this part of the world.

About six or eight weeks ago, the earth on a steep hill side was discovered to be sinking and dividing assunder to the extent of about one acre. A gentleman in the neighborhood of this scene told me that he went round it and on it, about three weeks ago, and very distinctly heard the cracking and snapping of the roots. A man of the same neighborhood, who was my pilot to this eventful place on the 25th of June, 1822, told me that it was progressing fast. When I was favored with a view of it, I think it had extended over about two acres. On the most elevated part of the hill, the earth has sunk about twelve feet perpendicular, while on the lower side it has risen six or eight feet above the surface. Over about one acre the timber has all been prostrated on the earth, forming a ruinous appearance from its having been thrown in every direction.—On the other part some of the trees are fallen, whilst the remnant are tilted in different directions, with a number of cracks of different sizes, and running various courses. There is a large crack extending itself along the side of the hill, indicating thereby the further progress of this strange eruption. Previous to this event there was a good spring of water flowing from the troubled part of the earth; the water still issues from the ruin, resembling in color the earth which is discoverable in those cracks.

ELISHA HURT.

Philadelphia, July 20. Mr. Moses B. Moody, who died in this city on Monday, we learn has bequeathed to our charitable institutions as follows:

To the Pennsylvania Hospital,	\$2,000
Orphan Asylum,	3,000
Widows Society,	2,000
For the deaf and dumb,	1,000

Making in the whole, \$8,000

Mr. Moody was a native of Haverhill, in the state of Massachusetts.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 23—VOL. X.] BALTIMORE, AUG. 3, 1822. [No. 23—VOL. XXII. WHOLE No. 569

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We commence the publication of the message, or rather essay, of the president of the United States, on the constitutional power of the general government in respect to internal improvements—such as roads, bridges and canals.

An article of considerable length, addressed to the editor of this paper, has appeared in the *Washington (City) Gazette*, expressing a very serious concern because we have not yet inserted the report and proceedings of the senate, with its accompanying documents, on military affairs—that is, on the appointments of colonels Towson and Gadsden, &c.; and something like partiality is imputed, because the “still-born report of the military committee of the house of representatives” has had a place in this paper. The insertion of documents in the *REGISTER* is so much a matter of course, that we had not thought of a liability to such a charge; but the latter was inserted simply because it was *short*, and the other deferred because it is *long*; making as much, in the whole, as we suppose will fill a *sheet* and a *half* of this work, or more. It was, therefore, laid aside as *stock copy*, to be inserted at some convenient season, only for *reference*; believing that there was no *present* interest in it, because the *result* had been distinctly laid before our readers and was known to every body; and, having nearly got through with such copy, we should have given out that report to our workmen last Monday, if the message about internal improvements had not chanced to be uppermost on the file of said copy; we were so perfectly indifferent on the subject, that if it had struck us at the moment, that a single person would have preferred the other, it should have had the preference. We have been several times requested to insert these articles, respectively, but do not recollect ever to have been urged to give a place to either immediately. This is the true state of the case, and we indignantly reject any other as a real or implied cause of the delay—for it is offensive to truth. It is our business to publish official documents without enquiring whom they affect—such an enquiry never has been made, nor ever shall be. The report alluded to will be given *complete*, as soon as convenient.

There is a feverish sensibility in many officers of the army and navy, that has its principle in the best affections of the human heart, but which is oftentimes productive of injury to those who shew it too rudely. The people cannot enter into or fully appreciate the niceties that oftentimes, (and very rightfully, sometimes), govern their conduct.

TRAVELLING. The citizens of New-York are earnest in the pursuit of a policy, that will continually acquire force as it proceeds. They have resolved that, as much as in them lies, their city shall become the place of arrival and departure of all who travel by land or water, inland, coastwise, or from or to foreign countries—and the amount of money gathered at that city, on account of such proceedings, is very great; and the business employs and supports a numerous body of the people. Steam boats, other packets and stages, depart for and arrive from every place that will furnish a support for them; and this support is perpetually increasing by reason of the promptitude and cer-

tainty that such establishments afford. Thousands of persons, perhaps, in a year, travel from one to five hundred miles, or more, to New York, passing other great cities, to find conveyances to the southern ports, the West Indies, South America and Europe; and, notwithstanding some opposition at other places, this city has nearly made a monopoly of the profits arising from such sources. Much as we dislike monopolies, we cannot object to such as grow out of public spirit and serve the public accommodation—or find fault with the people of New-York for making the most of their means to advance their own prosperity. The same course of proceeding is open to the citizens of other places, and if they do not, or cannot, pursue them, it is not any reason why they should complain that New-York finds it advantageous to follow them. We are led to these remarks by observing that a line of packets is to be established between that city and Havre, in France—a vessel to sail from each place every month. By the establishment of another line of packets to Liverpool, a *weekly* communication is about to be opened between New-York and that place.

MESSRS. RUSSELL AND HUNT. Notwithstanding the latter, (author of certain queries to the former), designated his residence in Vermont, that it might be known where he could be found, a writ has been issued to be served on him in New York—which fact he was informed of through a public newspaper! On seeing this, Mr. Hunt has wrote to the marshal of the district, saying that he would be in that city before the return day of the writ, and cause his appearance to be endorsed thereon. He seems disposed, in respect to this affair, to be very accommodating.

HARD TIMES. We regret to learn, (says a Salem paper), that failures continue to take place almost daily at Boston, some of them of persons extensively engaged in commerce. We are informed that within the last two months, there have been more than eighty failures in that city. The embarrassment, distress and alarm, which such a state of things must necessarily produce, are indeed a serious calamity.”

☞ The amount of these failures, for the last two months, is said to be more than three millions of dollars!

We have not, lately, had any dashing failures in Baltimore—a little while ago, there were enough of them to serve us for half a century; but the condition of things is so here that almost every body is wondering how other people live! The advantages, however, of the *manufacturing* business done in this place, is now fully felt and acknowledged, and it is rapidly extending. The mechanics and manufacturers are a very numerous class with us. There are few persons that have any thing like a correct idea of the quantity of labor bestowed on the manufacture of cloth and other things in the city and suburbs of Baltimore.

FULLER'S EARTH. An extensive bed of this valuable article (for the want of which our woollen manufacturers have suffered much), has been recently

discovered on the banks of the Hudson. A box of it has been sent to a factory that its quality may be tested by practical experiment.

MAPLE SUGAR. Mr. Moses Mather, of Fairfield, N. Y. has manufactured, in the present season, six thousands and ninety pounds of the best quality sugar, which he is selling at from 10 to 12 dollars per cwt. This gentleman has a regular establishment for making sugar—his lot, containing the maple trees, is of 50 acres, supplied with roads, about 2000 pails to receive the sap, four evaporators, &c. and every thing is so constructed that four hands have managed the business with great ease. He does not state how long these hands were employed in gathering the sap and making the quantity of sugar stated; but we venture to say that there are few 50 acre lots of wood land in any country that are so profitable as this one. Mr. Mather has carried on this business for *eight years*.

WASHINGTON! Speaking of the ancestors of this illustrious chief, a late British publication remarks: "If a private country gentleman in Cheshire, about the year 1730, had not been overturned in his carriage, it is *extremely probable* that America, instead of being a free republic at this moment, would have continued a dependent colony of England."

Now, with a regard for the memory and services of WASHINGTON that amounts nearly to veneration, as if he had been something more than a man with all the royal lines in the world for his subjects, we cannot believe it "extremely probable" that, if "a private gentleman in Cheshire had not been overturned in his carriage," the revolution in America would not have been effected. It is very true, that our hero appeared as if created for the purpose which he accomplished—but, really, it is a *little* way beyond human knowledge to believe that a private gentleman's carriage was overturned, that an acquaintance might be formed with a lady, to result in her marriage, and so produce the instrument of a great and glorious event. Or, even if so, PROVIDENCE designed it, and so there was nothing "*probable*" about it. Great men may produce great things—but great things more often bring out great men. Washington was not of those who gave the earliest start "to the ball of revolution;" but, with unequalled skill, he kept it a-going at times when it seemed likely to stop, for it depended much upon him to keep it moving—and that he did it, will render him dear to generations of men yet unthought of—unanticipated. His memory must endure with the period of our planet, and be held in respect until earth itself is dissolved, "not leaving a wreck behind." Yet we cannot believe that the emancipation of this now great nation would not have been effected, if, by bad driving, or for the reason of bad roads, his paternal predecessor had not upset his carriage. As applied to the business of the revolution, there were many *Washingtons*, or those who would have performed the part of "fathers of their country." Most excellent he was—but *all* excellence was not in his own single person.

FOREIGN EMIGRANTS. It would appear that many more persons have arrived in the United States during the present season, than in the last. A good number reach New York and other ports direct, but far the greater part arrive via New Brunswick and Canada. Those who take passages for the former come over to Eastport, &c. where they obtain vessels and re-ship themselves to New York, Phila-

delphia, Baltimore, &c. Many that arrive in Canada pass up the St. Lawrence and lake Ontario, and into the state of New York or proceed further westward. A party of about 30 lately arrived at Buffalo to join the colony of Mr. Burbeck, in Illinois.—They appeared to be *substantial* people, for among their property were cattle, hogs, geese, &c. of the most approved kinds, which they had brought with them from England.

LEGITIMATE SOVEREIGNS! The father of the present emperor of Russia was murdered, and those universally believed to have been among the assassins of the father, are in the confidence and employ of the son! His grand mother murdered her husband, put to death all of his relatives, and received *several* of the murderers into her bed! The brothers of the name of *Orloff* were ministers to her lusts, and the creatures that used the dagger when required by her. The last person that had claims to the throne, as a birth-right, was a most beautiful and highly accomplished young lady, who said that she was the daughter of the empress Elizabeth (predecessor of Peter, the husband of Kate) by a private marriage. She had kept this a secret, but at last it became known. In 1775, lured an agent of count Orloff, who commanded the Russian fleet in the Mediterranean, she came to Pisa. The wretch professed to be much interested in her cause—and, to cut the story short, courted and married her, that they might mount the throne together! A grand naval fete was announced to be given on board the fleet, then lying at Leghorn—she was received in the great cabin, hand-cuffed, and sent off to Russia by sea, and never afterwards heard of.—Whether Catherine closed her life by a dagger or suffered her to expire for want of food, was, of course, unknown; but some believed that she had been drowned in her dungeon by an over-flow of the Neva. Such is the *illustrious* family of Russia.

GOOD REASONS FOR WAR! It is well known that a party of persons, from the British frigate *Topaz*, went ashore in China, contrary to the laws of that country, and maltreated some of the people—and that others were killed and wounded by a cannonade from the frigate; that the Chinese, agreeably to their usages and laws, had demanded that the gunner, &c. of the *Topaz* should be given up to them for trial, in their own way—which demand had not been acceded to; and that, in consequence of the refusal, the Chinese authorities had forbidden the customary trade with the British, &c. They have adopted no other than this peaceful remedy to punish a flagrant violation of their laws.

The Chinese make no distinction between homicide and murder, and "life for life" is a fundamental law of the empire, inflicted equally upon their own subjects and foreigners. That they have a right to establish this principle, no one can question; and foreigners who come into the territory, are bound to submit to it, as to all other regulations for the government of the empire.

About two or three weeks ago, I entered into a gentleman's wood, and cut a walking-cane for myself—even an *oakling*. If the owner had caught me in the fact, even though he might not have personally known me, he would, probably, have smiled at my fancy, or disputed my taste, and have directed my attention to some other young tree more conformable to his own: but if I had committed such an act in England and been so detected in it, I should have been seized upon as a great criminal, dragged before a magistrate, sent to jail and there

deft in irons, tried by a court as a wicked felon, and sent off to *Van Deiman's* land, in the hold of a foul transport, 12 or 15000 miles from my wife and children, and there to remain as a servant or slave for 15 or 20 years, or more, at the mercy of the judge. But to put the case in a strong and decisive point of view—suppose that, attached to an American vessel of war, lying in a British port and being on shore, I had entered the wood of some British nobleman, and therein, unthinkingly or unconsciously of harm, cut down a *young oak* for a walking stick—that the fact should be known, and an officer, with civil process, should board the vessel and demand my person to be tried by the laws of England, and be refused—what would be the result? Would not the whole power of the empire, disposable on the occasion, be exerted to bring me to what is called justice? Nay, might not the case even result in war between my country and Great Britain? The case of *Pierce*, killed off New York, by a cannon ball from the *Leander*, will shew what we thought of a matter not essentially different in its principle, but much less repulsive in its practice, according to our ideas of law, than was the proceeding had on board of the *Topaz* relative to the Chinese, in conformity to their laws—for their laws are not at all speculative, or subject to any other than one construction on the subject—being positively life for life, whether caused by accident or design. No one will attempt to dispute the right of England to pass laws that will even hang a person for cutting a walking stick or killing a rabbit, or for any thing else, to operate within the realm—for foreigners may keep themselves out of it, if they please. Why then should the right of China be questioned, and her peaceful measure for redress be so much reprehended? It is not for one nation to pass upon the propriety of the general laws of another—else we should soon settle the question about the *natural* right of the family of the Guelphs to the throne of the United Kingdoms of Great Britain and Ireland—a doctrine as absurd and ridiculous as any that is entertained in China, or even among the Hottentots; a doctrine that is upheld by so many publicly, but believed in, privately, by no one to be just, being wholly a political and priestly fiction.

I am led to these remarks by seeing a long article from "*Bell's* [London] *Weekly Messenger*," on the dispute with the Chinese, which recommends the invasion of their country because its legal authorities have stopped the trade with British merchants and shippers! This is quite astonishing to us, because "*Bell's Messenger*" is one of the most moderate and generally correct works of all that are published in the British empire. The article states the causes of the dispute, resists the giving up of the person of the gunner to be tried according to the violated laws of China, as degrading; but insists that the trade with the country shall be maintained by force, if refused to negotiation.—Now, this seems exceedingly modest. What would the editor of that paper think of the president of the United States, if he should send a minister to London, to say—the trade to the West Indies is important to us, open your ports, or we will capture your islands? A minister so commissioned, and making such a demand, would not be listened to. He would be treated with deserved contempt; and "depletion and a strait waistcoat" would be seriously recommended to our president. Every body would think him a madman, for attempting to prescribe to an independent nation what, and with whom, they should sell or buy!

The "*Messenger*" says that "the tea trade now

constitutes the only lucrative branch of the commerce of the East India Company;" that the "revenue" derived from it is very large, from the amount of its consumption in England—and asks how the deficiency of revenue is to be supplied—what substitute could be had for this "far sought exotic?"

And proceeds to add—"The question, therefore, is, what will be the consequences. These may be very shortly stated. Either we must submit and relinquish Canton altogether, and the tea trade; or we must demand those explanations of the Chinese government, and, perhaps, those rights of property, or indemnity, under some purchase or contract for our factory at Canton, *which, in the notorious spirit of the Chinese government, must lead to a war with that country.*"

Again—"By the law of nations, every country has a right to prohibit another country from trading with it; and that such prohibition is no ground for war. It is, indeed, absurd to say that we have any right to go to war with the Chinese because they refuse to supply us with tea. *But we anticipate that this difficulty will be removed by some outrageous insult on the part of the Chinese, in giving the required explanation.* The question then is, what is to be done: how is the war to be commenced, and what must be its object? Its object must be, we should think, to make a permanent conquest of Canton, and of about three or four hundred miles of the country round Canton; and to guard it by posts, somewhat, perhaps, in the nature of Martello towers, from all the possible efforts of such a power as the Chinese.—We should think that an army of about twenty thousand men would be amply sufficient for a service of this kind, and, perhaps, this number of men might be sent from India, the Cape of Good Hope, Ceylon, &c. It is absurd to talk of the many millions of the Chinese empire, considering how these millions are disciplined and armed with matchlocks, bows and arrows, &c.

"In the event of such a conquest, the whole expense of the war should be sustained by China, who should open her celestial chests upon the occasion. We must add a word, however, to this, and with which we shall conclude; namely, that if things should take such a turn, and we should make such a conquest, it should not be for the East India Company, but for the British empire in general.

"With respect to the empire of China itself, we have no compassion whatever for it. It is exactly in the state which any one would anticipate to be the condition of an empire under a pagan superstition, and which is so fully, so finely, and so briefly described in a book, *which we trust is in the hands of all our readers, St. Paul's Epistle to the Romans*; men disregarding the light of nature, as visible in all the works of Providence, and finally, justly punished by the Supreme Being in having this light entirely withdrawn.

"The conquest of a people of this kind, except at the expense of permanent principles, on which all governments must rest, is the acquisition of a barbarous wilderness into the pale of civilization."

Now, here is an acknowledgment of the right of the Chinese to regulate their own trade, an easy way pointed out for making a quarrel, the plan of conquest suggested, the "holy scriptures" lugged in to justify the deed, and the subjugation justified entirely, unless "at the expense of permanent principles, on which all governments must rest." A strange tissue of rapine, robbery, religious cant and hypocrisy. If it is not a "PERMANENT PRINCIPLE" that a nation has a right to make laws for itself, and to regulate its own trade, we should like to know what a

"permanent principle" is. Surely, it is a principle on which every independent government acts—and the darling principle of England.

But the Chinese are "pagans." Shall the destroyer of *India* say to the emperor of China, "stand aside, I am holier than thou?" Their agent of desolation and murder, the infamous *Clive*, while he lived, was haunted, as he believed, by legions of the ghosts of the innocent people that he had destroyed—and, to relieve himself of the terror they inspired, he shot himself, that he might arrive at judgment for the dreadful deeds which he had committed to serve, and which were sanctioned by, the "honorable East India Company."

☞ A late arrival at Philadelphia, from Canton, furnishes us with the present state of the case—that the India Company's ships returned to Whampoa in the early part of March, for the purpose of loading, and the supercargoes and writers of the Company to their factories at Canton about the same time. This step was taken by the Company's servants, in consequence of an edict from the viceroy, to the purport, that neither the property of the Company, nor the persons of its agents, were to be held liable for the acts of British government vessels.

It is said that the matter is to be settled by the two governments, and that the terms still insisted on by the Chinese, are the delivery of two men by the English, and that one or two of the Company's ships are to remain at Whampoa as a place of refuge in the event of future danger or difficulty.

Suspension of the trade with China.

The following edict of the viceroy (being the third in numerical order) was transmitted to the Hong merchants, in consequence of a representation which they made in answer to the one which we published yesterday se'nnight.

Yuen, gov. of Canton, a guardian of the prince, &c.

Whenever it occurs that, connected with the said national commerce at Canton, there is any disturbance, or disobedience to the laws of China, the commerce is to be immediately interdicted, and the removal of goods and things up and down prohibited, which is intended as a punishment and a warning. This is an old usage, and has been acted on for many successive years.

Now the said nation's man of war (Richardson's) came to Canton as convoy to the merchant ships, and he allowed his man of war's men to kill and wound the natives. Next he made opposition, and would not deliver up the foreign murderers; therefore I interdicted the whole of the said nation's commerce, and in so doing, acted according to former legal practice.

In consequence of Ya-te-si, Pat-ti-chin, and Fuke-shin (Haviseide, Patterson, and Cruikshank), three ships, having already taken in all their cargoes, I allowed them to proceed first to England, instead of waiting here at Canton. But this was an act of pity and compassion in me the governor, to these foreign merchants. It was an act of grace beyond what was strictly right and proper to be done.

But these ship's captains are insensible to feelings of gratitude. [Haviseide's ship was away before this petition was sent.] In consequence of what I have done they make whining and clamorous pretexts, and write petitions—a proceeding exceedingly disorderly and founded on false principles.

I here command you, the Hong merchants, to enjoin these my orders on the said nation's chief, and his colleagues—to require them to urge and compel the delivering up of the foreign murderers, and

after they are tried and the legal proceedings closed, then all the ships may open their hatches, may move goods up and down, and afterwards set sail; but if they will still gaze about, and hope, and linger and delay, I hereby positively declare that I will not allow them to move up or down so much of goods, as a thread of silk, or the down of a plant.

As to the question, whether or not the Hong merchants owe to the commanders and others, it is incumbent on the commanders to apply to the chief and his colleagues, who, with you, the Hong merchants, may examine into the affair and settle it.

As to the household furniture, utensils, &c. whether I will permit them to be moved down or not, must be deferred until the case of murder is in law concluded; and after that is done, I will issue another.

The sum of the matter is this—that, for a man killed, it is absolutely necessary that a life be forfeited. It is not by any means an affair that can be terminated by empty talk and reasonings.

Let the Hong merchants order the chief and his colleagues to communicate these commands to their several ship's captains to obey the tenor thereof.

JAOW KWANG.

A special edict. (True copy of translation).
1st year, 12th moon, 19th day—11th Jan. 1822.

STEAM BOATS. Mr. Thomas M. Hickey, of Lexington, Ken. "announces the information that means have been found, simple and cheap, and requiring but very little alteration in the present machinery, the effect of which is independent of human foresight, knowledge or care; and giving to that navigation all the safety that might be wished, by securing it against the breaking of boilers."

We sincerely hope that Mr. Hickey has discovered some improvement that will really accomplish what he proclaims to be fact. There is no calculation to be made about the extent to which steam navigation will go, and whatever insures its safety must be regarded as highly important, indeed. But very few, if any, accidents have occurred on board of boats in which the low pressure engines are used.

THE PIRATES. A letter from on board the U. S. schr. *Grampus*, at Havana, says—"We left the schr. *Shark* off Salt Key, to wait for the boats, they being out cruising off Sagua le Grande, with 130 men, 3 schooners, 5 boats, with 5 large guns and several swivels. Rephaenillo has three schooners, manned with 125 men each, with one long 9 and four 2 lb. swivels, but their vessels have no bulwarks."

"The principal establishment of the pirates is near Principe, the capital of the island, and it hardly seems possible for the United States, without the aid of government, (honestly afforded), to put these marauders down. Most of these expeditions are fitted out, in the first instance, at a village called Regules, one quarter of a mile from this city, and under the very eye of the government. More than one hundred persons belonging to this place, are known to be concerned in this infamous and abominable business—however, but little can be expected from the present rulers here, while they keep the men of war in port, and suffer the little patriot cruisers to capture their merchant vessels almost under the guns of the Moro, and on all parts of the coast. *The British cruisers seem to be as careless of protecting their defenceless merchantmen from the pirates, as they are anxious to run from port to port, carrying specie!* In fact, there is no protec-

tion in these seas to the unarmed mariner, but what he derives from the flag of the United States."

Captain Fitz, arrived at New-York from the Bahamas, states, that about the middle of June, the wreckers had fallen in with a ship on shore, near Rum Key, the crew of which had been cut to pieces, and were found hanging in the rigging! They also found a brig at sea, near the same place, entirely deserted, supposed to have been robbed by the pirates.

Our naval force in the West India seas—our about to serve therein, is powerful; consisting of the Macedonian frigate, ship Cyane, sloops of war Peacock and Hornet; brigs Enterprize and Spark, and schooners Alligator, Shark, Porpoise and Gram pus.

THE MOTHER! The following interesting paragraphs are extracted from the *Village Record*:

A few days ago, a woman in Quacake Valley, Northampton county, observed a rattlesnake coiled on a log near the house; she took her husband's rifle out to shoot it, but, setting the gun near the end of the log, concluded to kill it with a stick, which she effected—then reaching for the rifle and drawing it towards her, the lock struck a knot—the gun went off, and the ball entered her left side and came out near the shoulder—she did not fall, but took the rifle into the house and set it up—took her infant from the cradle, and bidding one of the older children to press her hand on the wound to check the effusion of blood, gave suck to her child; thus exemplifying the "ruling passion strong in death"—the last thought of the mother was associated with the comfort of her little one; a few hours after the woman was a corpse.

Speaking of maternal tenderness, brings an anecdote to my mind, related a short time ago to me by a gentleman from the south west, which the reader cannot peruse with indifference, although he may not see how it grows out of the story just told. In Mississippi, there was a hunter who used to allure the doe within reach of his rifle, by imitating the cries of the fawn—a simple cry like that of a young lamb—and when the mother was led to the spot by the supposed voice of her young, he would kill her. When the fact was known, a general burst of indignation broke forth against the man. From the most elevated in society, to the humblest negro on the neighboring plantations, there was an universal exclamation against the wretch who could treacherously betray to death, by an appeal to that most sacred of all instincts, the affection of a mother for her offspring. The hunter was obliged solemnly to promise to do so no more, or to abandon his home and his hunting ground. The feeling excited, and the interposition, were honorable to humanity.

UNITED STATES' LEAD MINES. A notice from the war department is published in the western papers, offering to receive proposals, at the office of the ordnance department, for leasing any of the lands of the United States containing mines of lead upon an annual rent of one tenth of the product of the mines, to be deposited, in pure lead, in a storehouse on the ground.—The leases are to be for three years, and not for a quantity of land, to any individual or company, exceeding three hundred and twenty acres, &c. Leases may be renewed at the expiration of three years, at the option of the government, reserving the right to raise the rent, but not to a higher rent than one-fifth of the product. The advertisement is dated at the ordnance department, June 15th.—*Nat. Int.*

THE HERO OF ORLEANS. On the fourth of July, at the celebration of American independence, in Nashville, Tennessee, governor Carrall delivered to general Jackson a sword, in testimony of the state's approbation of his conduct, with the following address:

Major general Andrew Jackson:

"By a resolution of the general assembly of this state, at its session of 1819, the governor was directed to "procure and deliver to you a sword, with suitable engravings thereon, as a testimonial of the high respect entertained by the state of Tennessee for your public services."

In obedience to that resolution, this sword has been procured, and I am happy to have the opportunity of presenting it to you on a day which must excite in your breast so many pleasing recollections. You gave your youthful exertions to the establishment of that independence, whose declaration we now celebrate. To its perpetuation you contributed in ripe years, by those splendid achievements during the late war, which have "filled the measure of your country's glory."

Accept, sir, this evidence of the gratitude of Tennessee. With it I tender you my best wishes for the duration of your health and happiness. In these wishes I know I am cordially joined by our fellow citizens of the late state."

To which the general replied—

"When I look around me, and behold many of those patriot-soldiers, descendants of the immortal heroes who achieved that national independence we this day celebrate, and who, when the tocsin of alarm and war was sounded in 1812, voluntarily repaired to the tented field, in defence of their country, with the determination either to preserve, inviolate, those inestimable rights, or perish in the attempt, I am inspired with feelings more easily to be imagined than expressed.

It was on the military prowess of these brave and patriotic men, and their associates in arms, that the safety and defence of the country, as well as my military fame, rested; and they most nobly supported both. As a testimonial, then, of the approbation of my fellow citizens of Tennessee, for my public services, and the services of those gallant and meritorious officers and men, who so effectually seconded my exertions in the defence of our frontier borders throughout the late British and Indian wars, I receive, with pleasure and gratitude, this sword, which has been prepared agreeably to the resolution of the legislature of this state, and presented by your excellency.

It is these brave officers and men, associated with me in those trying scenes, and who so well supported the reputation of their revolutionary fathers, that most deserve their country's approbation and warmest gratitude; it is their heroic exploits, as well as my public services, the resolution of the legislature intends to approve; and, as such, I receive, with additional feelings of the sincerest pleasure, that testimonial, so freely bestowed on both them and me, by my fellow citizens.

That I, the humble instrument in the hand of Divine Providence, should have been the means of deliverance to our frontier borders from savage cruelty, and New Orleans, the emporium of the west, from the ravages and pollution of a British army, is one of the greatest blessings Heaven can bestow; and that I should have been able, through all these difficulties and trying scenes, so to conduct myself as to deserve and obtain the approbation of my fellow citizens of Tennessee, as express-

ed by the resolution of their legislature, will be to me one of the most pleasing recollections of my future existence.

When I review the disinterested patriotism displayed by the voluntary tender of the military services of the brave Tennesseans, during the whole British and Indian war, it excites in me mingled feelings of *pleasure* and *pride*. Their proffered services contained no constitutional scruples; were confined by no territorial limits; the order of their government for dismissal was the only limit to *their services*. This *holy* zeal, with which the bosoms of the brave volunteers was fired, ought to be fostered and cherished, not damped, by the government; it is this *zeal alone* that can defend and preserve the liberties of our country, and perpetuate the existence of our happy form of government.

I thank you, sir, most sincerely, for the good wishes you offer for my health and happiness. I cannot conclude without first invoking a similar blessing in your behalf: and, that the prosperity of the state of Tennessee, over which you preside, may be commensurate with the courage and patriotism of its citizens, is, and ever will be, the first wish of my heart."

FOREIGN NEWS.

Great Britain and Ireland. An arrival at New-York, furnishes London papers of the evening of the 15th June.

The distressed condition of the people of Ireland continues to increase—large subscriptions have been raised, but they are wholly inadequate even for present relief. "We repeat," says the last Dublin paper, "that a *million* of men, women and children, are starving—are actually dying of hunger, and, in one of the finest seasons ever remembered, a malignant fever, with every appearance of the worst symptoms of pestilence, has set in."

"Some idea of the extreme distress to which the peasantry are reduced, may be formed from the fact, that, in the town of Galway, a number of women are daily employed in drawing down turf from the bogs, in the neighborhood of the town, on their backs. For as great a load as they are capable of carrying, they obtain but one penny half penny; and, in order to obtain this scanty pittance to sustain life, they perform a journey of six miles, barefooted, under a burning sun."

"We pledge ourselves to this fact—that the distresses, in extent and degree, even in those parishes where it was supposed to be less severe, is frightful and appalling; and that scenes have been witnessed by the visitors, which so far exceeded any idea that had been formed of what human nature could endure, that the beholders were obliged to retreat in dismay and horror. We speak not of a solitary instance of wretchedness, such as we have described, but masses of it, where human beings had not tasted food for six and thirty hours, and where sixteen was only preserved by some morsel of food administered by creatures almost as pallid and worn, but who had just as many rags as enabled them to crawl out without outraging decency!!!"

The colonial trade bill was to be read a second time in the house of lords on the 15th June. At a late royal levee, a part of the royal family were informed, it was "his majesty's pleasure that they should not attend." There is some *low* quarrelling in the *illustrious* house. G. S. Kemble, the celebrated player, is dead. The price of wheat, &c. was declining. A meeting was held at Lloyd's

to consider the propriety of voting 500l for the relief of the people of Ireland—the proposition was lost, for it 246, against it 269. The monumental statue of the late duke of Kent, one of the royal brothers, represents him as resting his *right arm* on the *Bible*!

France is quiet—the chambers were enquiring into the late expedition to Samana. B. Constant and the marquis Forbin des Issarts had fought a duel, sitting on *two chairs*, at the distance of ten paces, the former being lame and unable to stand. They fired very calmly twice at each other, without doing harm, and then the quarrel was made up by the seconds.

The debates in the chamber of deputies are, as usual, very tumultuous. The abbe Frayssinous, who recommended that the common people should not be allowed to learn to read and write, has been placed at the head of the *education* of France!

Spain. The naval establishment, small as it now is, languishes for the want of money—which has been pretty liberally appropriated, but not received into the treasury. The arrears of pay to the naval officers, arizans and day laborers, are said to amount to \$1,250,000. Some of these had not received any thing for 12 or 14 months. The construction of two frigates is suspended for the want of funds. The army is paid pretty regularly.

It is confidently asserted by the Journal des Debats, that the Spanish ambassador has received a note, in answer to that of M. Zea, in which Spain invites the European powers not to acknowledge the South American States.

The priesthood is becoming more and more unpopular in Spain, as being the authors of the disturbances.

The cortes have requested the king "to inform every foreign government, which, whether directly or indirectly, would take part in our domestic concerns, that the nation is not in a situation to receive laws; that she possesses power and resources to cause herself to be respected; and that if she knew how to defend her independence and her king with glory, it is with the same glory and with still greater exertions, that she will always know how to defend her king and her liberty."

Portugal. A circular of the Portuguese government to its ministers at foreign courts, dated the 4th June, relates, that those of Vienna, Naples and Turin, having declared that they would not acknowledge the new order of things established in Portugal, his most faithful majesty immediately recalled his ministers from those capitals, and suspended his consuls in the dominions of the three sovereigns from the exercise of their functions.

Russians, Turks and Greeks. The pacha of Salonichi had received reinforcements, and defeated the Greeks near Jerizza. After this, he fell upon thirty Greek villages, and carried away the women and children as slaves.

The Greek population of the Isle of Scio were conveyed successively to Constantinople, and sold like vile herds; the most considerable persons and women of the first families, were treated like the others. There were accounts at Constantinople of an unfortunate naval combat for the Turkish fleet, but no certain details were given.

Those of the people of Scio that had not been sent off as slaves, were retained for deliberate butchery. The streets of the town were filled with their festering remains!

Thousands of Greeks are exposed in the slave market at Constantinople, especially women and girls. Some of these kill each other to rescue

themselves from the Turks—some refuse food, and are lashed with whips—some are purchased for the express purpose of being murdered, for which, according to the Koran, "the faithful" will be eternally rewarded. In the vicinity of Salonica, the Greeks, to prevent their wives and daughters from falling into the hands of the Turks, it is said, at the request of the females, had put them to death!

It is stated that the *English* took an active part in the reduction of Scio—and it is also intimated that they expect to obtain the *occupation* of this island to facilitate their trade in the Levant! It is hardly possible that these things can be true.

A London paper, speaking of the 10,000 females that were dragged from Scio and sold as slaves, says, "what a howl would have been set up if so many hundred negroes had been disposed of in the same manner!" And adds, "The English government is now upholding the system which produces the white slave trade in the east, and affecting great indignation that it should be carried on by other powers of the west."

☞ The course of conduct that Russia will pursue, in respect to Turkey, is still uncertain. It is strongly reported that the Turks had agreed to evacuate Moldavia and Wallachia, as demanded by Russia, but later accounts tell us that they still occupied them. The *British* minister at Constantinople has exerted himself to the utmost to preserve peace—and give up the Greeks to the mercy of the Turks. The Russian army remains *statu quo*—but it is said that vessels were clearing out at Odessa for Constantinople. The belief was very firm in London that there would not be any war, and the king of France, in reply to an address from the chamber of peers, on the 10th of June, says—"Since the opening of the session I have received accounts which assure me that peace will not be disturbed in the east. It is with the highest satisfaction that I announce to you this intelligence." On the other hand, it is stated that the Porte has not committed himself as to the evacuation of the two provinces—that the soldiers of the marine had risen in insurrection against their chief officer, because he had recommended pacific measures—and that Alexander would soon review his armies on the frontier. Our opinion still is, that his love of "legitimacy" and respect for the "holy alliance," will not cure him of his love for Turkey.

Hayti. It appears that a number of slaves have made their escape to this island, from Turk's Island, Tortola, &c. and that they find an asylum therein.

Cuba. The pirates are still busy off the coasts of this island. Among the vessels lately robbed, was the British brig *Zephyr*. She was boarded by a piratical schooner of two guns, 9 pounders, and 35 men. They abused the passengers and crew in the most brutal manner, and made preparations as if to fire the brig, and burn her and all who were on board: but, on the captain delivering to them 1500*l.* sterling in gold, they retired, after plundering the vessel and abusing the people as they liked. It is to be hoped that these things will make the British cruisers a little more active than they have been.

Brazils. A complete revolution seems to have taken place in this country. A national congress had been called, who declared the independence of the *Brazils*, and established the basis of a new government, which is to be on the representative principle. The first cortes was to meet on the 5th or 6th of June last. The prince is nominally at the head of the executive power.

A letter dated Rio Janeiro, 17th June, says—"A cortes has been called by this government, and diplomatic agents are nominated, and will soon be despatched to England and the United States."

Chili, Peru, &c. Upper Peru is in quiet possession of the royalists—La Serna's force is 4,000 men, and Ramirez has about half that number. San Martin was preparing an equal force to take the field against them. The two Spanish frigates that had been cruising in the Pacific, were given up to the agent of San Martin at Guayaquil—and one of them was captured by lord Cochrane after she had carried the Peruvian flag for more than a month. Chiloe (the southern part of Chili), was yet possessed by the royalists—an expedition was fitting out against it. The famous brig *Macedonian*, of Boston, is in another *scrape*, having been condemned at Lima, as belonging to certain royalists.

Mexico. We hear of some of the imperial proceedings of the emperor Augustin. He seems to lord it, right bravely. Great preparations were making for his coronation—above a million of dollars had been appropriated to provide things for the ceremony. It is reported that his popularity was declining, and that some of the deputies have said that they were not invested with power to name an emperor.

The Havana papers, as to intelligence from the late possessions of Spain on the continent, cannot be relied on, though they may tell the truth: but the narrative given in them of the coronation of *Isuride*, makes that affair the act of a mob, and to appear as if his emperorship would not long wear a crown. The country is represented as distracted with parties and suffering for every thing.

Mexican Proclamation.

Diario de Vera Cruz, May 29, 1822.

Proclamation of our emperor, Senor Don Augustin the First.

Inhabitants of the Mexican empire: The wish to preserve in addressing you, the tone and confidence of a simple fellow citizen, is even yet entertained by him whom you have been pleased to raise from that class, to the imperial dignity. What have you found in your compatriot to render him worthy of an honor so exalted and brilliant? Did you, perchance, see in him the man, who emancipated the nation from the tyranny of three centuries! Is the crown an offering of gratitude natural to so magnanimous and generous a people? Yes, certainly, gratitude, that sentiment which heaven has implanted in all hearts of this delicious region, never showed itself in greater force than at the time when our country recognized her self free and independent. From that moment, I was struck with admiration of the thankful feelings of the inhabitants—then, were the diadem and obedience tendered to me with free and sincere acclamation; and I would have then accepted them at once, making to my country this last sacrifice, assuredly the most painful, considering my natural dispositions and the object of my wishes, since I began to institute comparisons between the disquietudes of the of the world and the sweets of solitude—had not my very duties and services pledged to the country, furnished me with a two fold motive for refusing her liberal offers.

Fixed in the principle that every thing should be given up to the country; resolute and consistent in the plan conceived for the recovery of our national independence, and faithful to the treaties concluded at Cordova with a minister of the Spa-

nish government, it will not be said that Iturbide availed himself of the regard of the people, but only to moderate the demonstrations of their love and gratitude. Scarcely had public opinion begun to manifest itself through the press, designating him as the person to wield the sceptre of the empire, when he endeavored, without delay, to give it a different direction. He declared and proclaimed his own, in public and private, as citizen and as magistrate; as one interested in the glory of the nation, and punctilious and delicate in respect to what regards his personal interests. The laurels of that victory which broke the power of the oppressors of his country quietly encompassed his brows, and assigned proper limits to that laudable ambition, which fecundated all the virtues. Why then constrain him to ascend the throne, from whose elevation he can no longer view with complacency the services rendered to his country, without feeling himself pressed down by the excess of his recompense?—The nation has so willed it; and Iturbide yields to her supreme will, now that he ascertains that it is not an inconsiderate movement of blind gratitude, but that irresistible impulse which always directs the general wish to the end of public prosperity.

The nation, indeed, desired it eagerly; but was diverted from it by the dangerous collisions of opinions. The form of the government had no consistency; it was threatened alike to be made the despotism of those who struggled against her independence, and to be annihilated by her most enthusiastic protectors. Our country was at one time exposed to drench with her blood the steps of a throne that a foreign prince might mount it, and at another to be torn in pieces by factions of her own sons. Meanwhile a mortal paralysis began to prevail, that stopped the supplies of the national treasury, enervated the army, benumbed the government, impaired the vigor of the empire, and prepared us to be the easy prey of foreign invasion, of secret machination, or of intestine discord. Every thing, in fine, betrayed certain symptoms of that same anarchy into which the Mexican nation was about to plunge, when the imperial army proclaimed her independence at Iguala.

And was the nation not to exert freely her will in such a crisis? Was not the hand which was adequate to save her in her preceding ominous situation, laid under an obligation, in consistency, ever afterwards to protect and save her? Yes, adored country, that same hand, with the single aim of your preservation, will sway the sceptre which you have confided to it! In the same spirit and measure that he sought honestly to decline it as a reward for past services, will he labor to sustain the weight which is added to it by the very onerous circumstances under which it is received.—That which could not be conceded, without reproach to your mere gratitude, cannot, blamelessly, be denied to your service, to your benefit, to your authority.

You have before you, my fellow citizens, the real impressions of your obliged compatriot. Heaven is a witness to them, that has deigned, so visibly, always to countenance his sincere aims. He attests Heaven, in proof of those which have determined him to accept the crown. You are also aware of our deplorable situation and the necessity of escaping from it by whatever course. Full of virtue and moderation, you have chosen to pursue the dictates of gratitude, and to exercise the right inherent in every free nation, to establish the form of her government, and to nominate her chiefs.

The national will is respected; and he, in whose favor it is pronounced, cannot take umbrage at the dissent remarked in some persons before the formal act which elevated him to the rank of first citizen and chief of the nation. Much less can those be objects of his dislike and resentment, who, for their dear country, will discover in him who is charged with the common welfare, only the tenderness of a fellow citizen and a friend—in the habit of obedience from his earliest years, he has had lessons of command unknown to those who acquire power by hereditary title: unaccustomed to prejudice, vanity and adulation, he can feel and acknowledge the supremacy of the law, and be penetrated with the certain truth that the love of the people is the felicity of the prince, and the kindness of the prince the felicity of the people.

Oh! let this be the glorious foundation of your choice! And since, fellow citizens, you understand the motives which prompted the acceptance of your favor, at so great a sacrifice of inclination, co-operate with me to the end that the imperial authority may be constantly directed to the public weal; to the repulse of all dangers which may threaten it, and to the aggrandizement of the empire: Above all, be persuaded of the very tender affection and cordiality with which the wishes of the nation are gratified by

AUGUSTIN.

Philadelphia Water Works.

A writer in the National Gazette, gives the following interesting particulars of the new works erected at Fair Mount, for supplying the city of Philadelphia with water.

The design of the new water works is to supply the city and the adjoining districts with water, by means of a water power, gained by the erection of a dam across the river Schuylkill. The city has been hitherto supplied, imperfectly and expensively, by steam engines. All the details of the watering system of Philadelphia, have, it is known, been long managed by eight gentlemen, forming a joint committee of the two councils, and called the watering committee: and it was in the autumn of 1818 that this committee first suggested the substitution of water power for steam, and led the way to the present magnificent result. On the 19th April, 1819, the work was begun; it is now in successful operation; and, with as much brevity as possible, I will give a sketch of the labor by which this result was prepared. It is only in this way, that persons who have not inspected the work, can estimate correctly its magnitude.

The whole water of the river Schuylkill is made to discharge itself at about a mile from the city, over a dam twelve hundred and four feet long. This, however, forms only part of the original breadth of the river. The rest of it is now occupied by a mound dam, projecting from the east side of the river, where the mill works are erected, 274 feet 6 inches in length, 12 feet in height above the overfall, 150 feet broad at its base, and contracting to a breadth of 12 feet on the top. The head pier, between the mound dam and the overfall, is sunk in 34 feet water at high tide. From the mound dam to the western shore, where the locks for the navigation of the river are erected, the bottom is a bed of rock, on which the overfall part of the dam is built. This part of the dam is made with cribs of timber, bolted and dove-tailed together, 50 feet in breadth up and down the stream; and from 17 to 18 feet across, filled with stone, and fastened

securely to each other. They are also planked on the upper side and on the top; and immediately above the dam, large quantities of stone, quarry spalls and earth, are thrown in to tighten and secure it.

The head race and mill sites on the eastern side of the river, were excavated from a solid rock, 419 feet in length, 140 feet wide, and, in its greatest height or depth, 60 feet, and at its least 16. The mere gunpowder used for blasting, cost, at its low price since the war, upwards of 12,000 dollars.

The head arches which connect the mound dam with the rock of Fair Mount, allow passages into the head race of 59 feet in breadth, which, multiplied by six feet, the depth to which the race is excavated below the overfall, allows the continued passage of a section of 354 square feet of water into the race. If to these arches be added the breadth of their piers and abutments, and the breadth of the head pier, &c. of the lock on the opposite side, it will give a total length of dam, &c. from shore to shore, of more than 1,600 feet.

The mill buildings are calculated for eight wheels and pumps, of which one is now complete and in operation, and two more will be immediately completed. The pumps are sixteen inches in diameter, with a stroke of four feet six inches, or six feet at pleasure. Each pump has a separate iron main, through which the water is driven into a reservoir on the top of a hill, nearly 100 feet above the level of the river. The mains are all sixteen inches in diameter, and the length of the shortest is 274 feet. The wheel now in operation is fifteen feet in diameter, and fifteen feet long, with a stroke of four feet six inches; makes eleven revolutions in a minute, discharging the entire contents of the pump twenty two times a minute. The second and third wheels are to be of the same length with the first, and sixteen feet in diameter. Each wheel will raise upwards of a million of gallons in twenty-four hours.

The dam is six feet six inches high, at high tide, and the tide rises six feet. The quantity of water running over the dam, in common times, is computed at 420 millions of gallons in 24 hours. From these data, the extent of the power may be deduced.

The cost of the right of water power was 150,000 dollars; and that of the dams, locks, canal, mills, machinery, &c. is estimated at 235,000; making a total of 385,000 dollars.

The quantity of water supplied by the whole machinery, when completed, will be from eight to ten millions of gallons in 24 hours. The three pumps to be finished the present season, will, alone, give upwards of three millions; more than double the quantity heretofore supplied by the two steam engines; and, after allowing for the interest of the capital expended, and the charges of superintendence hereafter, the cost of the larger quantity will not equal that of the smaller. The complete establishment will supply the city of Philadelphia with excellent water, in a more profuse and luxurious degree, than, perhaps, any city in the world.

CHRONICLE.

The frigate *Constellation*, capt. Ridgely, has arrived at New York, from the Pacific—all well.—Left Valparaiso on the 7th of May and stopped at Rio Janeiro and St. Pierre's. The Franklin was at Valparaiso—the schooner *Dolphin* had just sailed for the coast of Peru. During her cruise of two years and five months, this vessel has lost 13 officers

and men, by diseases and casualties. She has some money on board, chiefly for merchants at Baltimore.

The *North Carolina* 74, in company with the ship *Cyane* and corvette *John Adams*, arrived at Norfolk, from the Delaware, last week. The new ship, by the trial made, is thought to be a very superior sailer, and, in every respect, is an elegant ship.

The brig *Spark*, capt. Elton, arrived at Norfolk on the 25th ult. from a cruise, last from Havana—all well.

Native alum has been found on the banks of the great Au Sable river, New-York—but the extent of the vein is not ascertained. Almost any quantity of this article may be furnished by the works near Baltimore, which have been in operation several years.

American wine. Major Adlum, a valuable citizen of the District of Columbia, cultivates the vine to such an extent as to supply a considerable quantity of good wine for sale in the stores.

Complimentary. The society for the encouragement of arts, manufactures and commerce, held a meeting at Drury Lane theatre on the 29th of May, for the presentation of rewards adjudged by the society. A numerous and fashionable company attended to witness the ceremony. The *Courier*, in its notice of this meeting, says that, among the rewards which seemed most to engage the attention of the ladies, was "the large silver medal, and twenty guineas, to Mrs. Wells, Connecticut, United States, for a new material for fine plat, in imitation of Leghorn."

The Upper Mississippi. The Indians have made some objections to a working of the lead mines at La Feivre, but had yielded them up. The quantity and quality of the mineral is equal to the highest expectations that were formed of it.

A destructive war exists among the Sauks and Foxes, and the Sioux, of the interior. The former had taken the field with 600 men—there had been a battle, and the latter appear to have been defeated; as the Sauks and Foxes brought in the scalps of 20 men, and 14 children as prisoners, with the loss of two men killed and 5 or 6 wounded.

An *Alabama* paper says—We learn that the *Big Warrior*, with the advice of his council, has forbidden the missionaries in the nation to preach; but allows them to keep schools for the instruction of his youthful subjects in the various branches of useful learning.

Sea-serpent. An account of the re-appearance of a sea-serpent off Nashant is inserted in the Boston papers, with a great deal of confidence; saying that the "periodical return" of this monster of the deep is now ascertained. He seemed to be about 70 feet long, and to have raised his head 7 or 8 feet out of the water.

A snake! The "Patriot," published at Springfield, Mass. says—The following singular occurrence was communicated to us by a gentleman in Greenwich, which he says may be relied on as a fact:—Eleanor Smith, of Hardwick, fifteen years of age, on the 10th inst. puked up a *live green snake*, nine or ten inches in length, which she had probably taken in three years since, while drinking at a brook. Our informant adds, that during that time she had been confined to her bed, and had become much emaciated. To sit or stand put her in the greatest pain, as would the smell or taste of meat. The snake was perfectly lively, running about the house, up on to chairs, tables, &c. She is now free from pain, and is apparently on the recovery.

Longevity. Joshua Brooks lately died in New-York, whose age was supposed to be 120, and a Mr. Hoffman, in Massachusetts, who was 103 years old. If Franklin were alive, he might even still say, that the children of some of the early settlers are not yet dead!

The Portland Gazette mentions the case of John Picket and his wife, living at Cape Elizabeth, both aged about 94, who are in good health, and read their bible without the use of glasses. It is now seventy five years since their marriage; a period of conjugal union that has very few parallels.

A lady, who is 105 years old, lately attended the funeral of her daughter, aged 68, at Portland, Me.

Within five miles of a place called "the Oak," in Talbot county, Maryland—a thinly populated district, and one half of the part designated covered with the tributary waters of the Chesapeake, there are now living thirty persons, (whose names are given), of 70 years old and upwards—one of whom is 98, another 86, a third 84, &c.

Man of War's tackle. The sails and cordage of a first rate man of war, require 180,000 lbs. of rough hemp for their construction; and it is said to average five acres of land to produce a ton of hemp. Thus one of these most monstrous towers of human ingenuity, consumes a produce of 424 acres of land to furnish its necessary tackle.

Singular petrification. The following case has been published in a paper printed at Eaton, Ohio, and has every appearance of being a true representation—the same fact, we apprehend, has been before alluded to in several letters and accounts from the west: "An elderly gentleman, who lately died in Fayette county, state of Kentucky, previous to his death requested that his daughter's remains should be disinterred and deposited by the side of his own. His daughter had been buried about eleven years, in the county of Bourbon, Ky. After his decease, the old gentleman's request was complied with. To the great surprise and astonishment of those engaged in raising the daughter's remains, her body was found to be entire, and of its full size. On a minute examination, it was discovered to be perfectly petrified—its specific gravity was about the same as that of common limestone. Her countenance had undergone so small an alteration that her husband, it is said, on beholding her, fainted away."

Nashville, (Ten.) June 29. It is, perhaps, worthy of remark, as having a tendency to shed some light on the antiquities of this state, that the mantle of feathers in which two human bodies were some years since found enveloped, in the county of Warren, were not dissimilar to those alluded to in the letter of Cortez to the king of Spain, in the conquest of Mexico:—

"Montezuma," says Cortez, "likewise established two plantations or settlements, in one of which a pond was constructed, capable of supporting five hundred ducks, whose feathers the Mexicans employ in clothing."

This fact is worth a thousand visionary theories respecting the antiquity of these remains, and the nation of people to which we are indebted for them.

Vincennes, (Ind.) July 6. In the case of the state of Indiana against the State bank, on a writ of *quo warranto*, which came on for trial in this court during its late sitting, the jury found a verdict of *guilty*, on many serious charges alleged by the counsel in behalf of the state—and on yesterday, the court pronounced judgment of forfeiture of the charter of the institution. *Good!*

Internal Improvement.

Letters of the president of the United States, on the subject of internal improvements, transmitted to the house of representatives, with his objections to the bill for the "preservation and repair of the Cumberland road," May 4, 1822.

To the house of representatives:

Having duly considered the bill, entitled "an act for the preservation and repair of the Cumberland road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage, and to return the bill to the house of representatives, in which it originated, under a conviction that congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of the tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries, and if it exist as to one road, it exists as to any other, and to as many roads as congress may think proper to establish. A right to legislate for one of these purposes, is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in congress to make appropriations, under which power, with the consent of the states through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion, that congress do not possess this power; that the states, individually, cannot grant it: for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty, by special compacts with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exist, it must be either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

1st. From the right to establish post offices and post roads. 2d. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts, and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. 6th, and lastly, From the power to dispose of, and make all useful rules and regulations respecting the territory and other property of the United States. According to my judgment, it cannot be derived from either of those powers, nor from all of them united, and, in consequence, it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate, at large, the reasons

on which they are founded, if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion, that the U. States do not possess the power in question, and to suggest, for the consideration of congress, the propriety of recommending to the states an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for congress, nor is it concluded. Nevertheless, as it contains my views on this subject; being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

Washington, May 4th, 1822.

To the house of representatives:

I transmit the paper, alluded to in the message of this day, on the subject of internal improvements.

JAMES MONROE.

Washington, May 4, 1822.

Views of the president of the United States, on the subject of internal improvements.

It may be presumed that the propositions relating to internal improvements, by roads and canals, which has been several times before congress, will be taken into consideration again; either for the purpose of recommending to the states the adoption of an amendment to the constitution, to vest the necessary power in the general government, or to carry the system into effect, on the principle that the power has already been granted. It seems to be the prevailing opinion, that great advantage would be derived from the exercise of such a power by congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought, forthwith, to be exercised. If does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the constitution to obtain it. I propose to examine this question.

The inquiry confined to its proper objects, and within the most limited scale, is extensive. Our government is unlike other governments, both in its origin and form. In analysing it, the differences, in certain respects, between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences, so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying, in equal degree, from those which have attended other governments. The digression, if it may be so called, will, in every instance, be short, and the transition to the main object immediate and direct.

To do justice to the subject, it will be necessary to mount to the source of power in these states, and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the state governments and the general government. If there was a perfect accord, in every

instance, as to the precise extent of the powers granted to the general government, we should then know, with equal certainty, what were the powers which remained to the state governments; since it would follow, that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers, and their incidents, that a difference of opinion exists; and hence it is necessary to trace, distinctly, the origin of each government; the purposes intended by it; and the means adopted to accomplish them. By having the interior of both governments fully before us, we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

Before the revolution, the present states, then colonies, were separate communities, unconnected with each other, except in their common relation to the crown. Their governments were instituted by grants from the crown; which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the crown. All power not retained in the crown was vested, exclusively, in the colonies; each having a government, consisting of an executive, a judiciary and a legislative assembly, one branch of which was, in every instance, elected by the people. No office was hereditary, nor did any title under the crown give rank or office in any of the colonies. In resisting the encroachments of the parent country, and abrogating the power of the crown, the authority which had been held by it, vested, exclusively, in the people of the colonies. By them was a congress appointed, composed of delegates from each colony who managed the war, declared independence, treated with foreign powers, and acted, in all things, according to the sense of their constituents. The declaration of independence confirmed in form what had before existed in substance. It announced to the world new states, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers; and, finally, by Great Britain herself, in 1783.

Soon after the power of the crown was annulled, the people of each colony established a constitution or frame of government for themselves; in which three separate branches, a legislative, executive, and judiciary, were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people, not delegated to congress, was communicated; to be exercised for their advantage, on the representative principle, by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes, held by any of the strongest governments of the old world, not vested in congress, were imparted to these state governments, without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations, or bills of right. The great difference between our governments and those of the old world, consists in this, that the former, being representative, the persons who exercise their powers do it, not for themselves, or in their own right, but for the people; and, therefore, while they are in the highest degree efficient, they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies, in every branch, which constitutes the great

improvement in the science of government, and forms the boast of our system. It combines all the advantages of every known government, without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

In every stage of the conflict, from its commencement, until March, 1781, the powers of congress were undefined, but of vast extent. The assemblies, or conventions, of the several colonies, being formed by representatives from every county in each colony, and the congress by delegates from each colonial assembly, the powers of the latter, for general purposes, resembled those of the former, for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The nation exerted its whole faculties in support of its rights and of its independence, after the contest took that direction, and it succeeded. It was, however, foreseen, at a very early stage, that, although the patriotism of the country might be relied on in the struggle for its independence, a well digested compact would be necessary to preserve it, after obtained. A plan of confederation, was, in consequence, proposed and taken into consideration by congress, even at the moment when the other great act which severed them from Great Britain, and declared their independence, was proclaimed to the world. This compact was ratified on the 21st March, 1781, by the last state, and thereupon carried into immediate effect.

The following powers were vested in the United States by the articles of confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the constitution, with important additions, it is thought that a correct view of those powers, and of the manner in which they were executed, may shed light on the subject under consideration. It may fairly be presumed, that where certain powers were transferred from one instrument to the other, and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter, that they were in the former.

Article 1 declares that the style of the confederacy shall be, The United States of America.

Art. 2. Each state retains its sovereignty, freedom and independence, and every power and right which is not expressly delegated to the U. States.

Art. 3. The states severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, on account of religion, sovereignty, trade, &c.

Art. 4. The free inhabitants of each state, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all the privileges and immunities of free citizens in the several states, &c. Fugitives from justice into any of the states, shall be delivered up on the demand of the executive of the state from which they fled. Full faith

and credit shall be given, in each state, to the records and acts of every other state.

Art. 5. Delegates shall be annually appointed, by the legislature of each state, to meet in congress on the first Monday in November, with a power to recal, &c. No state shall appoint less than two, nor more than seven, nor shall any delegate hold his office for more than three in six years. Each state shall maintain its own delegates. Each state shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, &c.

Art. 6. No state shall send or receive an embassy, or enter into a treaty with a foreign power. Nor shall any person, holding any office of profit or trust under the United States, or any state, accept any present, emolument, office, or title, from a foreign power. Nor shall the United States, or any state, grant any title of nobility. No two states shall enter into any treaty without the consent of congress. No state shall lay any imposts, or duties, which may interfere with any treaties entered into by the United States. No state shall engage in war, unless invaded or be menaced with invasion by some Indian tribe; nor grant letters of marque or reprisal, unless it be against pirates, nor keep up vessels of war, nor any body of troops, in time of peace, without the consent of congress; but every state shall keep up a well regulated militia, &c.

Art. 7. When land forces are raised by any state for the common defence, all officers of, and under, the rank of colonel, shall be appointed by the legislature of each state.

Art. 8. All charges of war, and all other expenses which shall be incurred for the common defence or general welfare, shall be defrayed out of a common treasury; which shall be supplied by the several states, in proportion to the value of all the land in each state, granted to individuals. The taxes for paying such proportion shall be levied by the several states.

Art. 9. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article; of sending and receiving ambassadors; entering into treaties and alliances, except, &c.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the states, and between individuals claiming lands under two or more states, whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority, and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one state to another, and throughout all the state, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces, except regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States, and appropriate the same; to borrow money, and emit bills of credit; to build and equip a navy; to agree on the number of land forces, and to make requisitions on each state for its quota; that the assent of nine states shall be requisite to these great acts.

Art. 10 regulates the powers of the committee of the states, to sit in the recess of congress.

Art. 11 provides for the admission of Canada into the confederation.

Art. 12 pledges the faith of the United States for the payment of all bills of credit issued, and money borrowed, on their account.

Art. 13. Every state shall abide by the determination of the United States, on all questions submitted to them by the confederation. The articles of the confederation to be perpetual, and not to be altered without the consent of every state.

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent states, its acts, like those of all other leagues, required the interposition of the states composing it, to give them effect within their respective jurisdictions. The acts of congress, without the aid of state laws to enforce them, were altogether nugatory. The refusal or omission, of one state, to pass such laws, was urged as a reason to justify like conduct in others, and thus the government was soon at a stand.

The experience of a few years demonstrated that the confederation could not be relied on, for the security of the blessings which had been derived from the revolution. The interests of the nation required a more efficient government, which the good sense and virtue of the people provided, by the adoption of the present constitution.

The constitution of the United States was formed by a convention of delegates from the several states, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each state, which was especially called to consider and decide on the same. In this progress the state governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the union the blessings of the revolution, they promoted the diminution of their own powers, and the enlargement of those of the general government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a government exerting its influence to lessen its own powers; of a policy so enlightened; of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each state, in obedience to whose will, and under whose control, the state governments acted.

The constitution of the U. States being ratified by the people of the several states, became, of necessity, to the extent of its powers, the paramount authority of the union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring, and on whom they depend, formed it. Had the people of the several states thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there any thing now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the national government, thus far a consolidated government, and preserving the state governments, without that limit, perfectly sovereign and independent of the national government. Had the people of the several states incorporated themselves into one community, they must have remained such; their constitution becoming then, like the constitution of

the several states, incapable of change, until altered by the will of the majority. In the institution of a state government by the citizens of a state, a compact is formed, to which all and every citizen are equal parties. They are also the sole parties, and may amend it at pleasure. In the institution of the government of the United States, by the citizens of every state, a compact was formed between the whole American people, which has the same force, and partakes of all the qualities, to the extent of its powers, as a compact between the citizens of a state, in the formation of their own constitution.—It cannot be altered, except by those who formed it, or in the mode prescribed by the parties to the compact itself.

This constitution was adopted for the purpose of remedying all the defects of the confederation, and in this it has succeeded, beyond any calculation that could have been formed of any human institution. By binding the states together, the constitution performs the great office of the confederation; but it is in that sense only, that it has any of the properties of that compact, and in that it is more effectual, to the purpose, as it holds them together by a much stronger bond; and in all other respects, in which the confederation failed, the constitution has been blessed with complete success. The confederation was a compact between separate and independent states; the execution of whose articles, in the powers which operated internally, depended on the state governments. But the great office of the constitution by incorporating the people of the several states, to the extent of its powers, into one community and enabling it to act directly on the people, was to annul the powers of the state governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the general government. The government of the United States relies on its own means for the execution of its powers, as the state governments do for the execution of theirs; both governments having a common origin, or sovereign, the people; the state governments the people of each state, the national government the people of every state, and being amenable to the power which created it. It is by executing its functions as a government, thus originating and thus acting, that the constitution of the United States holds the states together, and performs the office of a league. It is owing to the nature of its powers, and the high source from whence they are derived, the people, that it performs that office better than the confederation, or any league which ever existed, being a compact which the state governments did not form, to which they are not parties, and which executes its own powers independently of them.

Thus were two separate and independent governments established over our Union, one for local purposes, over each state, by the people of the state; the other, for national purposes over all the states, by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The state governments are independent of each other; and, to the extent of their powers, are complete sovereignties. The national government begins where the state governments terminate, except in some instances where there is a concurrent jurisdiction between them. This government is, also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

The history of the world affords no such example of two separate and independent governments established over the same people; nor can it exist, except in governments founded on the sovereignty of the people. In monarchies, and other governments not representative, there can be no such division of power. The government is inherent in the possessor; it is his, and cannot be taken from him without a revolution. In such governments, alliances and leagues alone are practicable. But with us, individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its two-fold character, and in all its great principles of two governments, completely distinct from, and independent of, each other; each constitutional, founded by, and acting directly on, the people; each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory, not only without weakening either government, but enjoying the peculiar advantage of adding thereby, new strength and vigor to the faculties of both; possessing, also, this additional advantage, that, while the several states enjoy all the rights reserved to them, of separate and independent governments, and each is secured by the nature of the federal government, which acts directly on the people against the failure of the others, to bare their equal share of the public burthens, and thereby enjoys, in a more perfect degree, all the advantages of a league; it holds them together by a bond, altogether different and much stronger than the late confederation, or any league that was ever known before; a bond beyond their control and which cannot even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere; descended from the same ancestors; speaking the same language; having the same religion and universal toleration; born equal, and educated in the same principles of free government; made independent by a common struggle, and menaced by the same dangers; ties existed between them, which never applied before to separate communities.—They had every motive to bind them together, which could operate on the interests and affections of a generous, enlightened, and virtuous people; and it affords inexpressible consolation to find that these motives had their merited influence.

In thus tracing our institutions to their origin, and pursuing them in their progress and modifications, down to the adoption of this constitution, two important facts have been disclosed, on which it may not be improper, in this stage, to make a few observations. The first is, that, in wresting the power, or what is called the sovereignty, from the crown, it passed directly to the people. The second, that it passed directly to the people of each colony, and not to the people of all the colonies, in the aggregate; to thirteen distinct communities, and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are, in an eminent degree, indebted for the success of our revolution. By passing to the people, it vested in a community, every individual of which had equal rights, and a common interest. There was no family dethroned among us; no banished

pretender in a foreign country, looking back to his connections and adherents here, in the hope of a recall; no order of nobility, whose hereditary rights in the government had been violated; no hierarchy, which had been degraded and oppressed. There was but one order, that of the people, by whom every thing was gained by the change. I mention it also as a circumstance of peculiar felicity, that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices, were, therefore, all on the side of the revolution, and of free republican government.

Had distinct orders existed, our fortune might, and probably would, have been different. It would scarcely have been possible to have united, so completely, the whole force of the country against a common enemy. A contest would probably have arisen in the outset, between the orders, for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or remaining behind, internal divisions would have taken place in every state, and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders; of revolutions attempted, which proved abortive; of republics, which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed, that the attraction of all the parts has been to a common centre; that every change has tended to cement the union; and, in short, that we have been blessed with such glorious and happy success.

And that the power wrested from the British crown passed to the people of each colony, the whole history of our political movement, from the emigration of our ancestors to the present day, clearly demonstrates. What produced the revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted? To the people of each colony, or to the people of all the colonies as a single community?—We know that no such community as the aggregate existed; and, of course, that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony, and the manner in which they were executed, show that the sovereignty was in the people of each, and not in the aggregate. They respectively presented credentials, such as are usual between ministers of separate powers, which were examined and approved, before they entered on the discharge of the important duties committed to them. They voted, also, by colonies, and not individually; all the members from one colony being entitled to one vote only. This fact, alone, the first of our political association, and at the period of our greatest peril, fixes beyond all controversy, the source from whence the power which has directed and secured success to all our measures, has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our revolution, which might, even yet, seriously affect our system. By passing to the people of each colony, the opposition to Great Britain, the prosecution of the war, the declaration of independence, the adoption of the confederation, and of this constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the state governments might be said to have emanated from it.

and amendments of their constitutions, on that principle, be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious, that the people in mass, would have much less agency in all the great measures of the revolution, and in those which followed, than they actually had, and proportionably less credit for their patriotism and services, than they are now entitled to and enjoy. By passing to the people of each colony, the whole body in each were kept in constant and active deliberation, on subjects of the highest national importance, and in the supervision of the conduct of all the public servants, in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind, which human ingenuity could devise, and the whole people rendered more competent to the self-government which, by an heroic exertion, they had acquired.

I will now proceed to examine the powers of the general government, which, like the governments of the several states, is divided into three branches, a legislative, executive and judiciary, each having its appropriate share. Of these, the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the national government may be said to rest, essentially, on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

By the 8th section of the first article of the constitution, it is declared that congress shall have power—

1st. To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States.

2d. To borrow money.

3d. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

4th. To establish a uniform rule of naturalization, and uniform laws respecting bankruptcies.

5th. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6th. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7th. To establish post offices and post roads.

8th. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9th. To constitute tribunals inferior to the supreme court, to define and punish piracies and felonies committed on the high seas, and offences against the laws of nations.

10th. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11th. To raise and support armies.

12th. To provide and maintain a navy.

13th. To make rules for the government of the land and naval forces.

14th. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

15th. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the states the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

16th. To exercise exclusive legislation, in all cases whatever, over such district, (not exceeding ten miles square), as may, by the cession of particular states, and the acceptance of by congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same may be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

17th. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

To the other branches of the government, the powers properly belonging to each are granted. The president, in whom the executive power is vested, is made commander in chief of the army and navy, and militia, when called into the service of the United States. He is authorized, with the advice and consent of the senate, two thirds of the members present concurring, to form treaties; to nominate, and, with the advice and consent of the senate, to appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. It is made his duty to give to congress, from time to time, information of the state of the union; to recommend to their consideration such measures as he may judge necessary and expedient, to convene both houses on extraordinary occasions, to receive ambassadors; and to take care that the laws be faithfully executed.

The judicial power is vested in one supreme court, and in such inferior courts as congress may establish; and it is made to extend to all cases, in law and equity, arising under the constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters; cases of admiralty and maritime jurisdiction; causes in which the United States are a party; between two or more states; between citizens of different states; between citizens of the same state, claiming grants of land under different states; between a state or the citizens thereof, and foreign states—are specially assigned to these tribunals.

Other powers have been granted, in other parts of the constitution, which, although they relate to specific objects, unconnected with the ordinary administration, yet, as they form important features in the government, and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

By article 1, sec. 9, clause 1st, it is provided, that the migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by congress, prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

By article 3, sec. 3, clause 1st, new states may be admitted by congress into the union, but that no new state shall be formed within the jurisdiction of another state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the United States. And, by the next clause of the same article and section, power is vested in congress to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, with a proviso, that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By article 4. sec. 4, the United States guarantee to every state a republican form of government, and engage to protect each of them against invasion; and, on application of the legislature, or the executive, when the legislature cannot be convened, against domestic violence.

Of the other parts of the constitution, relating to power, some form restraints on the exercise of the powers granted to congress, and others on the exercise of the powers remaining to the states. The object, in both instances, is, to draw, more completely, the line between the two governments, and also to prevent abuses by either. Other parts operate like conventional stipulations between the states, abolishing between them all distinctions, applicable to foreign powers, and securing to the inhabitants of each state all the rights and immunities of citizens in the several states.

By the fifth article, it is provided, that congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, as a part of the constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode may be proposed by congress; provided that no state, without its consent, shall be deprived of its equal vote in the senate, and that no amendment which may be made prior to the year 1808, shall affect the first and fourth clauses in the ninth section of the first article.

By the second section of the sixth article, it is declared, that the constitution, and laws of the United States, which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land; and, that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding. This right in the national government to execute its powers was indispensable to its existence. If the state governments had not been restrained from encroaching on the powers vested in the national government, the constitution, like the confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object, other than by making a national constitution, which should be to the extent of its powers, the supreme law of the land. This right in the national government would have existed, under the constitution, to the full extent provided for by this declaration, had it not been made. To prevent the possibility of a doubt, however, on so important a subject, it was proper to make the declaration.

Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the states. It is by fixing the great powers which are admitted to belong to each government, that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the national government, this task was easy, because its powers were to be found in *specific* grants in the constitution; but it is more difficult to give a detail of the powers of the state governments, as their constitutions, containing all powers granted by the people, not specifically taken from them by grants to the United States, cannot well be enumerated. Fortunately, a precise detail of all the powers remaining to the state governments, is not necessary in the present instance. A knowledge of their great powers, only, will answer every purpose contemplated; and respecting these there can be no diversity of opinion. They are sufficiently recognized and established by the constitution of the United States itself. In designating the important powers of the state governments, it is proper to observe, first, that the territory contemplated by the constitution belongs to each state, in its separate character, and not to the United States in their aggregate character. Each state holds territory according to its original charter, except in cases where cessions have been made to the United States, by individual states. The United States had none when the constitution was adopted, which had not been thus ceded to them, and which they held on the conditions on which such cession had been made. Within the individual states, it is believed, that they held not a single acre; but, if they did, it was as citizens held it, merely as private property. The territory acquired by cession, lying without the individual states, rests on a different principle, and is provided for by a separate and distinct part of the constitution. It is the territory within the individual states, to which the constitution, in its great principles, applies; and it applies to such territory as the territory of a state, and not as that of the United States. The next circumstance to be attended to, is, that the people composing this union are the people of the several states, and not of the United States, in the full sense of a consolidated government. The militia are the militia of the several states; lands are held under the laws of the states; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States, made under, and in conformity with, the powers vested in congress, and of the laws of nations, are regulated by state laws. This enumeration shows the great extent of the powers of the state governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property, and of personal liberty, are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to shew, that the great office of the constitution of the United States is, to unite the states together, under a government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which, a national government, thus formed, alone could be competent.

(To be continued.)

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THE PAST—THE PRESENT—FOR THE FUTURE.

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The president's message, respecting internal improvements, is continued, and will be concluded in our next. After that, we shall insert the proceedings of the senate on certain military appointments. These long articles, and the approaching close of this volume, will forbid the usual portion of matter from manuscript, or of a miscellaneous character. Those in the present sheet commence with page 378.

Views of the president of the United States on the subject of internal improvement.

[CONTINUED.]

This view of the exclusive jurisdiction of the several states over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to congress, to which a more particular attention is now due. Of these, the right to declare war is, perhaps, the most important, as well by the consequences attending war, as by the other powers granted in aid of it. The right to lay taxes, duties, imposts and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies, and a navy, and to call forth and govern the militia, when in the service of the United States, are altogether of the latter kind. They are granted in aid of the power to make war, and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits and upon the resources of the states, than any of the other powers. But still they are means only for given ends. War is declared, and must be maintained. An army and a navy must be raised; fortifications must be erected for the common defence; debts must be paid. For these purposes duties, imposts and excises are levied; taxes are laid; the lands, merchandise and other property of the citizens are liable for them; the money is not paid, seizures are made, and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them as the former proprietors did, under the laws of the individual states. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the general government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the state to which it belongs; it is the militia of such state, and not of the United States. Soldiers are required for the army, who may be obtained by voluntary enlistment, or by some other process, founded in the principles of equality. In either case, the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the nation. In all these cases, which are the strongest which can be given, we see that the right of the general government is nothing more than what it is called in the constitution, a power to perform certain acts; and that the subject on which it operates is a mean only to that end; that it was, both before and after that act, under the protection, and subject to the laws, of the individual state within which it was.

To the other powers of the general government the same remarks are applicable, and with greater force. The right to regulate commerce with foreign powers was necessary, as well to enable congress to lay and collect duties and imposts, as to support the rights of the nation in the intercourse with foreign powers. It is executed at the ports of the several states, and operates almost altogether externally. The right to borrow and coin money, and to fix its value, and that of foreign coin, are important to the establishment of a national government, and particularly necessary in support of the right to declare war; as, indeed, may be considered the right to punish piracy and felonies on the high seas, and offences against the laws of nations. The right to establish a uniform rule of naturalization, and uniform laws respecting bankruptcies, seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual states. It is accomplished by granting patents to inventors, and preserving models, which may be done exclusively within the federal district. The right to constitute courts inferior to the supreme court, was a necessary consequence of the judiciary existing as a separate branch of the general government. Without such inferior court in every state, it would be difficult, and might even be impossible, to carry into effect the laws of the general government. The right to establish post offices and post roads is essentially of the same character. For political, commercial and social purposes, it was important that it should be vested in the general government. As a mere matter of regulation and nothing more, I presume, was intended by it, it is a power easily executed, and involving little authority within the states individually. The right to exercise exclusive legislation, in all cases whatsoever, over the federal district, and over forts, magazines, arsenals, dock yards and other needful buildings, with the consent of the state within which the same may be, is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the general government. Of this particular grant, further notice will hereafter be taken.

I shall conclude my remarks on this part of the subject by observing, that the view which has been presented of the powers and character of the two governments, is supported by the marked difference which is observable in the manner of their endowment. The state governments are divided into three branches, a legislative, executive and judiciary; and the appropriate duties of each assigned to it, without any limitation of power, except such as is necessary to guard against abuse, in the form of bills of right. But, in instituting the national government, an entire different principle was adopted and pursued. The government itself is organized, like the state governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole constitution,

every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers, and fixes the character of the government of the United States. By this section, it is declared that congress shall have power—

1st. To lay and collect taxes, duties, imposts and excises, &c.

Having shewn the origin of the state governments, and their endowments, when first formed; having also shewn the origin of the national government, and the powers vested in it; and having shewn, lastly, the powers which are admitted to have remained to the state governments, after those which were taken from them by the national government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement, by roads and canals, has been vested in the United States.

Before we can determine whether this power has been granted to the general government, it will be necessary to ascertain, distinctly, the nature and extent of the power requisite to make such improvements. When that is done, we shall be able to decide whether such power is vested in the national government.

If the power existed, it would, it is presumed, be executed by a board of skilful engineers, on a view of the whole union, on a plan which would secure complete effect to all the great purposes of our constitution. It is not my intention, however, to take up the subject here, on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that congress intended to run a road from the city of Washington to Baltimore, and to connect the Chesapeake bay with the Delaware, and the Delaware with the Rariton, by a canal; what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route, in the most direct line, paying due regard to heights, water courses and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell, or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to, after the road and canal are laid out and made, is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries; of pulling down walls that are made to sustain the road; of breaking the bridges over water courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands, and commit these acts of violence and waste, from revenge, or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed, and are still complained of, on the road from Cumberland to the Ohio. To accomplish this object, congress should have a right to pass laws to punish offenders, wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night, and fly far off before the sun appeared. The power to punish these culprits must, therefore, reach them wherever they go. They must, also, be amenable to competent tribunals, federal or state. The power must,

likewise, extend to another object, not less essential or important than those already mentioned. Experience has shewn that the establishment of turnpikes, with gates and tolls, and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements, and the repairs which they necessarily require. Congress must, therefore, have power to make such an establishment, and to support it, by such regulations, with fines and penalties, in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the states individually, and it must be possessed by the United States, or the pretension must be abandoned.

Let it be further supposed that congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter, by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price, or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the state governments, that, in cases of this kind, the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount, and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

The next object is to preserve these improvements from injury. The locks of the canal are broken; the walls which sustained the road are pulled down; the bridges are broken; the road itself is ploughed up; toll is refused to be paid; the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier, that may serve to screen them from punishment. They will plead that the law, under which they stand arraigned, is unconstitutional, and that question must be decided by the court, whether federal or state, on a fair investigation of the powers vested in the general government by the constitution. If the judges find that these powers have not been granted to congress, the prisoners must be acquitted; and, by their acquittal, all claim to the right to establish such a system is at an end.

I have supposed an opposition to be made to the right in congress, by the owner of the land, and other individuals charged with breaches of statutes made to protect the work from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A state, also, may contest the right, and then the controversy assumes another character. Government might contend against government; for, to a certain extent, both the governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them, respecting their rights, and the people sustain it with any thing like an equal division of numbers, the worst consequences might ensue.

It may be urged that the opposition suggested by the owner of the land, or by the states individually, may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that

way, is no proof a right in congress; nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals; or, by the accommodation afforded to individual states, put down opposition on their part. Congress must be able rightfully to control all opposition, or they cannot carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury; tolls must be collected; offenders must be punished. With these culprits no bargain can be made. When brought to trial, they must deny the validity of the law, and that plea sustained, all claim to the right ceases.

If the United States possess this power, it must be, either because it has been specifically granted, or that it is incidental, and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: 1st. The right to establish post offices and post roads; 2d. To declare war; 3d. To regulate commerce among the several states; 4th. From the power to pay the debts and provide for the common defence and general welfare of the United States; 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof; 6th, and lastly, From the power to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States. It is to be observed, that there is but little accord among the advocates for this power, as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above-mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words, and the extent of the grant? The word "establish," is the ruling term; "post offices and post roads" are the subjects on which it acts. The question, therefore, is, what power is granted by that word? The sense in which words are commonly used, is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail; and there is no better way of ascertaining it, than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs, and whose minds were unprejudiced, what was the import of the word "establish," and the extent of the grant which it controls, we do not think that there would be any difference of opinion among them. We are satisfied that all of them would answer, that a power was thereby given to congress, to fix on the towns, court houses, and other places, throughout our union, at which there should be post offices; the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively, and to make the institution as useful, as possible; to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery, by punishing those who should commit the offence. The idea of a right to lay off the roads

of the United States, on a general scale of improvement; to take the soil from the proprietor by force; to establish turnpikes and tolls, and to punish offenders in the manner stated above, would never occur to any such person. The use of the existing road, by the stage, mail carrier, or post boy, in passing over it, as others do, is all that would be thought of; the jurisdiction and soil remaining to the state, with a right in the state, or those authorized by its legislature, to change the road at pleasure.

The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of government, the confederation, we find a grant for the same purpose, expressed in the following words: "The United States in congress assembled, shall have the sole and exclusive right and power of establishing and regulating post offices from one state to another, throughout the United States, and of exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of said post office." The term "establish" was likewise the ruling one in that instrument, and was evidently intended, and understood, to give a power simply and solely to fix where there should be post offices. By transferring this term from the confederation into the constitution, it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post offices and post roads. In whatever sense it is applied to post offices, it must be applied in the same sense to post roads. But it may be asked, if such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The confederation being a bond of union between independent states, it was necessary, in granting the powers which were to be exercised over them, to be very explicit and minute in defining the powers granted. But the constitution, to the extent of its powers, having incorporated the states into one government, like the government of the states, individually, fewer words in defining the powers granted by it, were not only adequate, but, perhaps, better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the constitution than had been granted in the confederation, surely the same controlling term would not have been used; or other words would have been added, to shew such intention, and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the constitution, by this term, to include in it all the powers that were granted in the confederation, by terms which specifically defined and (as was supposed) extended their limits. It would be absurd to say, that, by omitting from the constitution any portion of the phraseology which was deemed important in the confederation, the import of that term was enlarged, and, with it, the powers of the constitution, in a proportional degree, beyond what they were in the confederation. The right to exact postage and to protect the post offices and mails from robbery, by punishing the offenders, may fairly be considered as incidents to the grant, since, without it, the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this, the doctrine of incidental power cannot be carried.

If we go back to the origin of our settlements and institutions, and trace their progress down to

the revolution, we shall see that it was in this sense, and none other, that the power was exercised by all our colonial governments. Post offices were made for the country, and not the country for them. They are the offspring of improvement. They never go before it. Settlements are first made; after which the progress is uniform and simple, extending to objects in regular order, most necessary to the comfort of man; schools, places of public worship, court houses and markets: post offices follow. Roads may, indeed, be said to be coeval with settlements. They lead to all the places mentioned, and to every other which the various and complicated interests of society require.

It is believed that not one example can be given, from the first settlement of our country to the adoption of this constitution, of a post office being established, without a view to existing roads; or of a single road having been made by pavement, turnpike, &c. for the sole purpose of accommodating a post office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States, it was undoubtedly intended by the framers and ratifiers of the constitution, to convey it in the sense and extent, only, in which it had been understood and exercised by the previous authorities of the country.

This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done, until lately, since the establishment of stages. Between the great towns, and in other places where the population is dense, stages are preferred, because they afford an additional opportunity to make a profit from passengers. But where the population is sparse, and on cross roads, it is generally carried on horseback. Unconnected with passengers and other objects, it cannot be doubted that the mail itself may be carried in every part of our union, with nearly as much economy and greater despatch, on horseback, than in a stage; and, in many parts, with much greater. In every part of the union in which stages can be preferred, the roads are sufficiently good, provided those which serve for every other purpose will accommodate them. In every other part, where horses alone are used, if other people pass them on horseback, surely the mail carrier can. For an object so simple and so easy in the execution, it would, doubtless, excite surprise, if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains and pave surfaces.

If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual states for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them? Might they not establish turnpikes, and exercise all the other acts of sovereignty, above stated, over such roads, necessary to protect them from injury, and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed, as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every state might be taken from it, for there is scarcely a road in any state which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject, I think that we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

The next object of inquiry is, whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last mentioned grant, a claim has been set up to as much of that system as relates to roads. Under this, it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual states, and to vest it in the general government. This has been done in clear and explicit terms—first, by granting the power to congress; and, secondly, by prohibiting the exercise of it by the states. Congress shall have a right to declare war. This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove, incontestably, that this power has not been granted in that or any other manner:

The United States are exposed to invasion through the whole extent of their Atlantic coast, by any European power with whom we might be engaged in war; on the northern and northwestern frontier, on the side of Canada by Great Britain, and on the southern by Spain, or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power, as it exists, must apply to all the roads of the union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations, or mitigate the calamities of war, along the coast, or in any part of the interior, they would be useful for military purposes, and might, therefore, be made. The power following as an incident to another power, can be measured, as to its extent, by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right, or to restrain congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan; to raise and support armies and a navy; to provide for calling forth, arming, disciplining and governing the militia, when in the service of the United States; establishing fortifications, and governing the troops stationed in them, independently of the state authorities, and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the union in all these respects. These

powers, then, would, of necessity, and by common consent, have fallen within the right to declare war, had it been intended to convey, by way of incident to that right, the necessary powers to maintain war. But these powers have all been granted specifically, with many others, in great detail, which experience had shewn were necessary for the purposes of war. By specifically granting, then, these powers, it is manifest that every power was thus granted which it was intended to grant, for military purposes; and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

By the sixteenth of the enumerated powers, article 1, sec 8, congress are authorized to exercise exclusive legislation in all cases whatever over such district as may, by cession of particular states, and the acceptance of congress, not exceeding ten miles square, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other useful buildings. If any doubt existed on a view of the other parts of the constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shewn, after the most liberal construction of all the enumerated powers of the general government, that the territory within the limits of the respective states belonged to them; that the United States had no right, under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a state, all those powers operating on a different principle, and having their full effect without impairing, in the slightest degree, this right in the states; that those powers were, in every instance, means to ends, which, being accomplished, left the subject, that is, the property, in which light only land could be regarded, where it was before—under the jurisdiction, and subject to the laws, of the state governments.

The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers; for, had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a state, it would have been done as to fortifications, magazines, arsenals, dock-yards, and other needful buildings. By specifically granting the right, as to such small portions of territory as might be necessary for these purposes, and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it, as to any other portion, on any condition, for any purpose, or in any manner whatsoever.

It may be said that, although the authority to exercise exclusive legislation in certain cases, within the states, with their consent, may be considered as a prohibition to congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power, within a state, as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a state can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except

in fortifications, dock-yards, and the like places.—If the soldiers are in the field, or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased, and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action, and a wider range of power, in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but, even here, the civil authority of the state never ceases to operate. It is also exclusive for all civil purposes.

Whether any power, short of that stated, would be adequate to the purposes of internal improvement, is denied. In the case of territory, one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the state in all cases and for all purposes not necessary to the execution of the proposed power.—But the right of the general government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, &c. &c. It must be a complete right, to the extent above stated, or it will be of no avail. That right does not exist.

The reasons which operate in favor of the right of exclusive legislation in forts, dock-yards, &c. do not apply to any other places. The safety of such works, and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls, and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: *First*. The ground must be requisite for, and be applied to, those purposes. *Second*. It must be purchased. *Third*. It must be purchased by the consent of the state in which it may be. When we find that so much care has been taken to protect the sovereignty of the states over the territory within their respective limits, admitting that of the United States over such small portions, and for such special and important purposes only, the conclusion is irresistible, not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "congress shall have power to regulate commerce with foreign nations, and among the several states and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was, that this power could not be exercised with advantage by the individual states, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the states, was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each of the other, in any view which may be taken of the subject. The last relating to the Indian tribes, is of a nature distinct from the others, for reasons

too well known to require explanation. Commerce between independent powers or communities, is universally regulated by duties and imposts. It was so regulated by the states before the adoption of this constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power then to impose such duties and imposts, in regard to foreign nations, and to prevent any on the trade between the states, was the only power granted.

If we recur to the causes which produced the adoption of this constitution, we shall find that injuries, resulting from the regulation of trade by the states, respectively, and the advantages anticipated from the transfer of the power to congress, were among those which had the most weight.—Instead of acting as a nation in regard to foreign powers, the states, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one state imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power, the next adjoining states imposed higher duties, to invite those articles into their ports, that they might be transferred thence into the other states, securing the duties to themselves. This contracted policy in some of the states was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering states, and thus had grown up a state of affairs, disorderly and unnatural, the tendency of which was, to destroy the union itself, and with it, all hope of realizing those blessings, which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the constitution.

Among the first and most important effects of this great revolution, was the complete abolition of this pernicious policy. The states were brought together by the constitution, as to commerce, into one community, equally, in regard to foreign nations and each other. The regulations that were adopted, regarded us, in both respects, as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations, were all uniform throughout the United States, and, in the intercourse between the states themselves, no duties of any kind were imposed, other than between different ports and counties within the same state.

This view is supported by a series of measures, all of a marked character, preceding the adoption of the constitution. As early as the year 1781, congress recommended it to the states to vest in the United States, a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States, for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated, and more earnestly urged. In 1784, it was recommended to the states to authorize congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785, the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the states, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis, of delegates from several of the states, on this subject, and, on their report, a convention was formed at Philadelphia,

the ensuing year, from all the states, to whose deliberations we are indebted for the present constitution.

In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, 5, 6, and 7, leading, step by step, to the adoption of the constitution, had in view, only, the obtaining of a power to enable congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several states, was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first, rather than the second. The pretension to it, however, under that branch, has never been set up. In support of the claim, under the second, no reason has been assigned which appears to have the least weight.

The fourth claim is founded on the right of congress to "pay the debts and provide for the common defence and general welfare" of the United States. This claim has less reason on its side, than either of those which we have already examined.—The power of which this forms a part is expressed in the following words: "congress shall have power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States."

That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: 1st. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the constitution which gives it directly, or which has any bearing on the subject, even by implication, except the two following: first, the prohibition which is contained in the eleventh of the enumerated powers not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration in the sixth member or clause of the ninth section of the first article, that no money shall be drawn from the treasury, but in consequence of appropriations made by law. Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first branch of the grant, which authorizes congress to lay and collect taxes, duties, imposts and excises; a power of vast extent, not granted by the confederation, the grant of which formed one of the principal inducements to the adoption of this constitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts and excises. For what purpose? To pay the debts and provide for the common defence and general welfare of the United States—an arrangement and phraseology which clearly shew that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. Thirdly. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever, or one of much greater extent than the first part. This presumption is evidently groundless in both instances; in the first, because no part of the constitution can be considered as useless; no sentence or clause in it without a mean-

ing. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then, to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed, in all the grants contained in the constitution. In the second, because, if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy; to regulate commerce; to call forth the militia; or even to lay and collect taxes, duties, imposts and excises. An unqualified power to pay the debts and provide for the common defence and general welfare, as the second part of this clause would be, if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defence would give to congress the command of the whole force, and of all the resources of the union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the states and the general government, and consolidate the whole under the latter.

The powers specifically granted to congress, are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause, is considered an original grant, unconnected with, and independent of, the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the constitution, being completely absorbed in the transcendent power granted in the latter part. But if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it, is superfluous. A power to lay and collect taxes, duties, imposts and excises, subjects to the call of congress every branch of the public revenue, internal and external; and the addition to pay the debts and provide for the common defence and general welfare, gives the right of applying the money raised, that is, of appropriating it to the purposes specified, according to a proper construction of the terms. Hence it follows, that it is the first part of the clause only, which gives a power which affects in any manner the power remaining to the states; as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the states, as to taxes and excises, must necessarily do. But the use or application of the money, after it is raised, is a power altogether of a different character. It imposed no burthen on the people, nor can it act on them in a sense to take power from the states, or in any sense in which power can be controverted, or become a question between the two governments. The application of money raised under a lawful power, is a right or grant which may be abused. It may be applied partially among the states, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of

other powers, since the only complaint which any state can make of such partiality and abuse, is, that some other state or states have obtained greater benefit from the application, than by a just rule of apportionment they were entitled to. The right of appropriation is, therefore, from its nature, secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right. By finding them, then, in that order, we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

The last part of this grant, which provides that all duties, imposts and excises, shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant, in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate; the rule by which the fourth, that is, taxes, should be laid, being already provided for in another part of the constitution. The object of this provision is, to secure a just equality among the states in the exercise of that power by congress. By placing it after both the grants; that is, after that to raise and that to appropriate the public money, and making it apply to the first only, shews that it was not intended that the power granted in the second should be paramount to, and destroy, that granted in the first. It shews, also, that no such formidable power as that suggested had been granted in the second, or any power, against the abuse of which it was thought necessary specially to provide. Surely, if it was deemed proper to guard a specific power of limited extent and well known import, against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent, and so indefinite, as would have been granted by the second part of the clause, if considered as a distinct and original grant.

With this construction all the other enumerated grants, and indeed all the grants of power, contained in the constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of revenue, and proceeding, in regular order, to the others, with which it was deemed proper to endow it, all too drawn with the utmost circumspection and care. How much more consistent is this construction, with the great objects of the institution, and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws every thing into confusion.

I have dwelt thus long on this part of the subject, from an earnest desire to fix, in a clear and satisfactory manner, the import of the second part of this grant, well knowing, from the generality of the terms used, their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted, by that part, than a power to appropriate the public money raised under the other

part. To what extent that power may be carried will be the next object of inquiry.

It is contended, on the one side, that, as the national government is a government of limited powers, it has no right to expend money, except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers; that this grant, in neither of its branches, gives to congress discretionary power of any kind, but is a mere instrument, in its hands, to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our government; but, on further reflection and observation, my mind has undergone a change, for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power; the first to raise, and the second to appropriate, the public money, and the terms used in both instances are general and unqualified.—Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money, gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the general government. In the discharge of the powers contained in any of these grants, there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States.—It affords to the friends of our free governments the most heart-felt consolation to know, and from the best evidence, our own experience, that, in great emergencies, the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain their most decided approbation. But should the representative act corruptly, and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it, and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts and excises, is alike unqualified, nor do I see any check on the exercise of it, other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements, and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to, in the first instance. From the commencement of the government, two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the government in its various branches, and met its other ordinary engagements. In great emergencies, the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less gene-

ral and unqualified than the power to raise it.—More comprehensive terms than to "pay the debts and provide for the common defence and general welfare," could not have been used. So intimately connected with, and dependant on, each other, are these two branches of power, that, had either been limited, the limitation would have had the like effect on the other. Had the power to raise money been conditional, or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred that these restraints or checks have been carefully and intentionally avoided. The power, in each branch, is alike broad and unqualified, and each is drawn with peculiar fitness to the other; the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

It was evidently impossible to have subjected this grant, in either branch, to such restriction without exposing the government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependant upon the states, the government would have experienced the fate of the confederation. Like it, it would have withered and soon perished. Had the supreme court been authorized, or should any other tribunal, distinct from the government, be authorized, to interpose its veto, and to say, that more money had been raised under either branch of this power, that is, by taxes, duties, imposts or excises, than was necessary; that such a tax or duty was useless; that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended, and the whole system disorganized. It was impossible to have created a power within the government, or any other power distinct from congress and the executive, which should control the movement of the government in this respect, and not destroy it. Had it been declared, by a clause in the constitution, that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the government, and often on its most important measures. Those who might wish to defeat a measure proposed, might construe the power relied on in support of it, in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times, those who favored a measure, might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest, that, if the right of

appropriation be confined to that limit, measures may oftentimes be carried, or defeated, by considerations and motives altogether independent of, and unconnected with, their merits, and the several powers of congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended, seems to be precluded.

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows, that the words "to provide for the common defence and general welfare," have a definite, safe and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered, simply, as conveying a right of appropriation; a right indispensable to that of raising a revenue, and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the states, the money to be appropriated being raised under a power already granted to congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will, in most instances, be diminished, and, in many, utterly destroyed. The importance of this consideration cannot be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected, that, to whatever extent any specific power may be carried, the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant, is a strong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is co-extensive with the great scheme of the government itself. It is the lever which raises and puts the whole machinery in motion, and continues the movement. Should either of the other grants fail, in consequence of any condition or limitation attached to it, or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself. This, by the nature of the government only. Hence, it became necessary, that, like the power to declare war, this power should be commensurate with the great scheme of the government, and with all its purposes.

If then the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers, respectively, is there no limitation to it? Have congress a right to raise and appropriate the public money to any, and to every purpose, according to their will and pleasure? They certainly have not. The government of the United States is a limited government, instituted for great national purposes, and for those only—Other interests are committed to the states whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A state government will rarely, if ever,

apply money to national purposes, without making it a charge to the nation. The people of the state would not permit it. Nor will congress be apt to apply money in aid of the state administrations, for purposes strictly local, in which the nation at large has no interest, although the state should desire it. The people of the other states would condemn it. They would declare that congress had no right to tax them for such a purpose, and dismiss, at the next election, such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind, there is much danger of the two governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them, and move on in great harmony.

Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements, having these objects in view, and carried to a certain extent, I do not see any well-founded constitutional objection.

In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns, no state interests can be affected; no state rights violated. The complete and exclusive control over them is vested in congress. The power to form treaties of alliance and commerce with foreign powers; to regulate by law our commerce with them; to determine on peace or war; to raise armies and a navy; to call forth the militia, and direct their operations, belongs to the general government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind, which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings they soften the intercourse between nations, and tend to prevent war. Surely, if the United States have a right to make war, they have a right to prevent it. How was it possible to grant to congress a power for such minor purposes, other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support, the state authority must be relied on. The condemnation

of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work, when finished, must be done by the state. To these purposes the powers of the general government are believed to be utterly incompetent.

(To be concluded.)

HEALTH. We have felt grateful to Providence for the uncommonly fine season that we have had, hoping that none of our cities would have been alarmed by the appearance of yellow fever. Their general health, certainly, never was better than it is now. Even at New Orleans, the cases of a malignant nature, if any exist, do not appear to have excited much attention. But, lately, a few instances of yellow malignant fever have happened in New York, and some few persons have died therewith. It is resolved to fence up the district in which those cases appeared. The season is so far advanced that, if energetic measures are used, we trust that the health of New-York will be maintained; but it is the practice there rather to look abroad for this dreadful disease than to seek for its causes at home. The experience that we have had of it in Baltimore, has convinced nearly every person here that it is strictly local and not contagious.

THE NAVY. The disputes among the navy officers at Boston, and the criminations and recriminations that have been made, have assumed a most unpleasant aspect, and must result in some injury to the service, let who be acquitted or convicted, by law or in public opinion, that may. We shall not enter into the merit of these matters, for the reason that we cannot afford the room necessary to give the conflicting statements which should be presented, if the affair is touched at all. A court of inquiry has been granted to captain Hull, at his repeated request, and he has also instituted two civil actions at Boston against certain persons for the publication of articles regarded as abusive of his character. We should suppose that this is the best manner of proceeding and least liable to objection of any other that can be suggested, to elicit the truth: but it is extremely unfortunate that any cause, *pro* or *con*, should have existed for such proceedings.

MESSEURS. HUNT AND RUSSELL. A long letter is published by Mr. Seth Hunt, dated Albany, 27th July, 1822, and addressed to Mr. Jonathan Russell, detailing the basis of his accusation against that gentleman, for communicating information to a mercantile house in London of the *progress and prospects* of the negotiations at Ghent.

Mr. Hunt relates that he received an account of those proceedings from a gentleman, (now a respectable merchant of London), who was in the confidence of Messrs. Thomas Mullett, I. I. Evans and Co. "who were for many years one of the most distinguished American commercial houses" in that city. He speaks of the character of Mr. Mullett, his attachment to the United States (having resided therein), and his kindness and hospitality to Americans in London, his intimacy with Mr. Russell, &c. and then proceeds thus—

"It may also be proper to state, that Mr. I. I. Evans, a very enlightened and distinguished merchant, and one of the partners of Mr. Thomas Mullett, died about the time of, or just previous to the declaration of war by the United States against Great Britain, in June, 1812; and that Mr. Thomas Mullett, the senior partner, died in December, 1814,

during the pendency of the negotiations at Ghent leaving to his son, the junior and sole surviving partner of his long established house, a large fortune, and probably the most extensive and valuable American business, (particularly with New York), at that time enjoyed by any commercial house in London.

"Having known that respectable house for many years, and experienced from them many acts of kindness and hospitality, it is painful to me to observe, and still more painful to me to know, that, under all these advantages, and within only ninety days, or thereabouts, from the day of the death of Mr. Thomas Mullett, his son, from causes which will be fully explained in the sequel, was overwhelmed in ruin, having, from over-confident speculation, suffered in that short period the loss, not only of the entire fortune left him by his father, but become indebted in an amount greatly beyond his means to discharge.

"It was during a conversation with my informant, upon this afflicting calamity, the fatal effects of which reached many persons in the United States, that he gave me the following narrative, to account for the cause of the disasters, which had so suddenly befallen that amiable and modest young man.

"He stated that, during the negotiation at Ghent, between the British and American commissioners, Mr. Jonathan Russell, one of the commissioners on the part of the United States, conveyed to Mr. Thomas Mullett, (of the said house of Thomas Mullett, I. I. Evans & Co.), from time to time, and until the time of his death, regular advices as to the progress and prospects of the negotiation at Ghent. Confiding in the correctness of the information so received, that house made immense purchases of cotton and other American products, which were unfortunately held by the surviving partners, until the sudden and unexpected occurrence of peace, like a destructive whirlwind, swept away his fortune.

"It is necessary here to state, which I do upon the authority of my informant, and upon the information derived from a highly respectable merchant now in New York, but who was in London during the pendency of the negotiations at Ghent, that, from the moment that Mr. Russell received intelligence of the death of Mr. Thomas Mullett, he suspended all further communication to that house. And, notwithstanding the surviving partner received no further advices from Mr. Russell, and was informed, from another and friendly quarter, that a peace would certainly be concluded in a few days; and that, in consequence of the death of his father, he would not receive any further advices from Mr. Russell, he would not be prevailed upon to believe it, and though repeatedly urged to sell out, he declined doing so, fatally confiding in the accuracy of the information and advices already received, and blindly persisting in the belief, that had any changes favorable to the conclusion of peace occurred at Ghent, Mr. Russell would, in good faith, have continued his communications and advices to the house, the same as though his father had been living.

"Such was in substance the information I received from the gentlemen to whom I allude, and by whose testimony, and by that of the other confidential persons at that time in the house of Messrs. Mullett, Evans & Co. I expect to be able to establish the truth of the imputations I intended to convey by the queries I addressed to you, under the signature of "*Ariel*."

"I think it proper also to apprise you, that I shall endeavor to prove, by the testimony of a person now in France, and by the oaths of two gentlemen now in New York, that Mr. Jonathan Russell did also communicate to another person in London, information as to the progress and prospects of the negotiation at Ghent, and that the first private information of the peace received in London was conveyed by him to that person."

NEW YORK. Mr. Littell, of Philadelphia, and Mr. Henry, of New York, jointly propose to publish a monthly journal, to be entitled *the Museum of foreign literature and science, to be conducted by Robert Walsh, jun.* The numbers to make two hundred some volumes in a year, at six dollars per annum, payable in advance, or on the receipt of the first number.

The object of this work is stated to be to select from the British, French, and other periodical works, a mass of literary and scientific intelligence, which generally does not reach the American public and to contain only such articles as are believed to be interesting to the American people. It is as a revival of a work some time ago published in Philadelphia, called "Select Reviews," but intended to be more comprehensive than that publication was; a task for which no man is better fitted than Mr. Walsh, though we do not accord with him in all his political speculations. If the plan is supported, we believe that the work will be highly interesting as well as useful, and we wish it success. We have a copy of the "Select Reviews," and would not willingly part with it if another could not be obtained, and promise ourselves that the "Museum" will be much more valuable.

MR. RANDOLPH has been making more speeches to the dukes, lords, bishops and right honorables of London.

A TOAST! A paper printed at Kingston N. Y. containing a set of toasts drank at "Paltz Point" has been sent to me, and the following toast marked to arrest attention—

"*The treasury of the United States*:—May it speedily be replenished without the aid of loans, that Niles may lay aside his slate and pencil and cease from croaking."

To all which I say "Amen."

A MOUND has been lately discovered in Chautauque county, New York, 50 feet long, 18 broad at one extremity, and gradually terminating to a point at the other. Large quantities of human bones have been dug up, apparently of persons of all ages—among them one thigh bone said to be much too large for the present race of men. The bodies appear to have been thrown in without any sort of regularity. No relics of utensils or weapons of war had been found. Large trees have grown directly over the mound.

NEW JERSEY CANAL. The long talked of project of uniting the Delaware and the Raritan by a canal, is revived; and it is said that a person offers to construct it, on a dead level, from river to river, sufficiently large for such boats as are used on the Erie canal, for the sum of 250,000 dollars, exclusive of any charges that may be made for the land through which it shall run. A small amount of money, indeed, to accomplish such a desirable object. It is intimated as probable that the subject will be seriously considered at the next sitting of the legislature.

OHIO CANAL. If all the accounts which have been published in the papers be correct, it is gratifying to learn that our state is so admirably calculated by nature to invite the spirit of enterprise to internal improvements. The following statement of the altitude of the summit levels on the different routes, is probably correct, to wit:

By the sources of the Grand and Mahoning rivers, 349 feet; Cuyahoga and Tuscarawas, 401; Black river and Killbuck, 338½; first summit on the middle route by Main Sandusky and Little Scioto, 376; second do. on do. by Little Sandusky and Main Scioto, 354.—*Sandusky Clarion.*

FOR PROPELLING BOATS. There is now building in this city, (says the *Democratic Press* of Philadelphia), a boat upon a very ingenious plan, for which a patent has been taken out. The proprietor and patentee has already built one at New Bedford and one at New York, where they are found to answer exceedingly well. His boat is propelled by chain floats or oblique paddles, which pass round two cast iron flange wheels. These floats are attached to a composition chain on each side of the vessel. Each chain carries ten paddles, in an oblique direction of the fishes' fin. The paddles are fifteen inches in length and nine in depth. Ten paddles are always in action, and a boat fifty feet in length and twelve in width, can be propelled one mile in five minutes. This rapid movement can be effected by four men turning four cranks, the labor of which is much less than working of oars. This principle does away with the paddle wheels used in the present manner of constructing steam boats.

BLACK SALTS. The Oxford Gazette mentions that three merchants of that village, (which is in Chesham county, N. Y.), had paid, within the sixty days past, the sum of ten thousand dollars for the article of *Black Salts*.

FOREIGN NEWS.

By an arrival at New York, London papers of the 23d of June were received. The chief things contained in the extracts that have reached us, are sufficiently noticed in the following summary.

Great Britain and Ireland. The bill for the relief of the Roman Catholics, which had passed the commons, has been rejected by the house of lords, as was expected. The majority against it was 42.

It was hoped that the British would adjust their quarrel with the Chinese at Canton, through the exertions of the Hong merchants, backed by half a million of dollars.

The present price of dollars at London is 4s. 9d. The iron steam-boat, heretofore mentioned, has arrived at Paris in 55 hours from London. *The West India and American trade bill, and the navigation bill, were passed on the 20th of June.* The non-importation bill was read a first time the same day.—[As these bills are important, we shall probably, at least, give abstracts of them, when they are received].

The marquis of Hertford is dead, and succeeded by his only son, lately nicknamed the earl of Yarmouth. The wife of the "most noble" marquis deceased was one of the concubines of the present king, who, it was said, some years ago, was kicked and wretchedly beaten by the husband—and the present "most noble" marquis is the most notorious gambler and cheat in all Europe. These are the "Corinthian pillars" of society, as Burke called them.

The distresses of *Ireland* are on the increase.—The sum raised in England to relieve them amounted to 90,000*l*.—but the local subscriptions are said to be insufficient to "*buy coffins for those that would die of hunger*." All the accounts say that hundreds or thousands are perishing for lack of food—and about two months more were to pass before a supply could be expected from the growing crops. A letter from one parish reports five hundred families "*in the deepest want*" of necessities—that at 5*d*. per day, 600 laborers might be had as it were in a moment, though 5*d*. will buy only 10*lb*. of potatoes. That one man said, "I have not tasted food for two days—I have seven children—you cannot give me work—must I steal and be hanged?" The papers are filled with similar accounts. The people gather sea-weeds and nettles and boil them, and whole families are nearly naked, having parted with every garment that would sell for any thing, to procure a morsel to eat. Death had become familiar, and little thought of—the wretched peasants fast three or four days, and go to sleep forever! One woman and her three children had perished together. The starving surround the houses of the rich in crowds, to die at their doors, or obtain some small relief. The cries of the children pierce the heart. The most trifling employment is sought for with eagerness—it may literally be said that there is a *rush* of people to earn a penny. Fifteen pounds worth of oat meal being received at a place, more than *two thousand* human beings applied for a part of. "Nothing," says one of the letters, "can now stop the progress of fever, dysentery and dropsy." The archbishop of Tuam, (of whom we have before made honorable mention), says—"On my way to Castlebar I passed a *multitude* of half starved men, women, and children, at Ballyglass and Balcara, seeking a share of a *handful* of meal, which could *only keep them alive, and no more*. I have sent to the committee a full statement of the *hideous* scenes I have witnessed. *If thousands are not sent to Mayo and Galway, whole populations must die*."

A late London paper says—"The bishops possess two-elevenths of the whole surface of Ireland, or *nearly one acre in five*. This proportion forms an aggregate of little short of *two millions of acres*.—Twenty-two obscure individuals (chiefly of noble-men's families) promoted, *to enrich themselves and disgrace the church*, not only hold these estates, but a great property also in tythes. We have seen three members of one family, known only by bearing the name of a ministerial marquess, at one time, upon the bench, the junior of whom has just been preferred to the primacy, being the second archiepiscopal mitre they have obtained since the union." [The "Beresfords" are alluded to in the preceding article. If these twenty-two persons were expelled from Ireland, and their establishments destroyed, no possible injury could result from the proceeding, for they are of no possible benefit to the people; but their ejection would relieve a starving nation].

Enough of these horrors. Yet the *great fear* in England is that the crops of grain will be too abundant in that country, and the king and his nobles are spending their hundreds of thousands in luxury and riot.

The total amount of the sums expended in the year 1821, for the maintenance of the poor in England and Wales was 7,329,549*l*. 7*s*.

Much sensation in the money-market was caused by the following notice—

"*Bank of England, 20th June 1822. Resolved—That all bills and notes approved of in the usual manner, and not having more than 95 days to run, be discounted at the rate of 4 per cent. per annum, on and after the 21st June, 1822.*"

It was stated that this resolution was carried after a warm debate, and only by a majority of *one*.—Some stocks rose and others fell in consequence of it.

France. Some movements of the troops in the south of France and the appointment of marshal Suchet to the command of them, have given rise to a rumor of the probability of a *war between France and Spain*.

It is stated that gen. Berton and two of his suite have been arrested.

Spain. Gen. Quiroga is named to the command of the Spanish troops in the northern parts of Spain. It appears evident that both France and Spain are collecting troops in the neighborhood of the Pyrenees—but they dare not go to war, without asking leave of the "holy alliance." This part of Spain is much disturbed by insurgents, and it is most probable that troops are marching only to restore and preserve an observance of the laws. But the French papers say that the merchants receive positive directions from their correspondents in Spain, *to stop all commercial adventures*.

The insurgents, collected near Cela, under the denomination of 'the army of the Faith,' alias 'Holy Inquisition,' maintained a hard battle with the national troops; but were completely defeated, leaving a considerable number dead on the field—among them several of the secular and regular clergy! The chief, Pereira, narrowly escaped, and his band was dispersed.

Portugal. The report is that a Portuguese army is moving, supposed to be intended to operate with the "constitutional army of Spain," in the presumed controversy with France.

The troops which the people of Brazil had refused to receive, have arrived at Lisbon and were to be sent back again. A positive order for the return of the prince, now in that country, was also to be forwarded by a 74 gun ship.

Russia. It is rumored that many Russian officers have been arrested for disaffection or conspiracy. It is quite possible that the fate of Alexander's father may be his own.

Russia and Turkey. The question of war or peace is not yet determined, but the prospects held out are in favor of peace. It is stated that Alexander has approved of the plan of pacification brought about by the mediating powers, but that the Turks have not yet evacuated Moldavia and Wallachia. We still think that Russia designs to attack Turkey—but most persons suppose that Alexander has delivered up his fellow christians, the Greeks, to the mercy of the barbarians.

Turkey. Preparations are making for a general attack on the Greeks, who, on the other hand, are getting all in readiness that they may sell their lives dearly; believing it better to die on the field of battle than to be butchered like sheep, as they know that they will be, if they yield themselves up. Those of Macedonia have retired to the defiles of Mount Olympus; and Ulysses, in Thessaly, has warned them, by proclamation, of what they have to expect. It is strongly believed that some *foreign power* furnishes the Turks with money to operate against the Greeks.

The late delightful country of Seres seems to have been completely desolated by the Turks, with

fire and sword—3,000 young children were carried off to be brought up in the Mahometan religion.

It is supposed that the ancient Peloponnesus contained nearly two millions of inhabitants. A late account states the population at about 340,000. Such is the effect of the despotism of the Turks.

Salonica, March 6. Our governor, intoxicated with the success of his massacres, has declared that the Sultan, by whose orders he acted, was firmly resolved not to suffer, for the future, any christians to exist in any part of European Turkey. In consequence, it is prohibited to fill up the vacant bishoprics, and the churches are destroyed in proportion as he can advance in the country.

"Every kind of commerce has ceased here. The fertile plains of Seres are changed into a desert; the cultivation of tobacco in the Enidgi is abandoned; and all the Greeks, the Bulgarians, and other christians, have taken up arms, to conquer or die.

Barbary. The plague has broken out at Algiers, and was committing great ravages there.

Brazil. We have many revolutionary papers from this country. They go to shew the establishment of a regular government, independent of Portugal, as the following extract from an address to the prince regent will shew, though apparently desirous of an intimate connection with the mother country.

"Brazil wishes not to infringe upon the rights of Portugal, but is angry that Portugal should infringe upon hers; Brazil wishes to have the same king, but does not choose to have masters in the deputies of the congress of Lisbon; Brazil desires her independence strengthened by a well understood union with Portugal; she wishes, in short, that they should form two great families, governed by their own laws, pursuing their own respective interests, obedient to the same chief."

The oath taken by the representatives was as follows: "I swear upon the holy evangelists to defend the Roman Catholic religion, the dynasty of the royal house of Braganza, the regency of his royal highness, perpetual defender of Brazil; to maintain the sovereignty of Brazil, her integrity, and that of the province of which I am representative; to insist upon all her rights and privileges, as well as upon all the measures that may be necessary for the preservation and maintenance of the peace, and the well understood union of the whole monarchy; and truly, conscientiously and frankly to advise his royal highness in all matters and on all occasions when I shall be called upon for that purpose. So help me God."

Buenos Ayres. The government is becoming more and more stable, and the state of things generally, is improving. Produce, however, was scarce and high. It was reported that 10,000 Indians were within fifteen leagues of the city, whose object was supposed to be to steal cattle—a force was sent out to disperse them.

Mexico. The new emperor seems disposed to cultivate the good will of the people of the United States. The export of specie is prohibited, but the law has always been suspended, when applied for by any of them.

Promotions and Appointments.

ADJUTANT GENERAL'S OFFICE,
Washington, July 16th, 1822.

ORDERS.—The following promotions and appointments have been made in the army of the United States since the publication of the order of the 3d of October, 1821:

PROMOTIONS.

Corps of engineers.

Brevet second lieutenant Edward H. Courtney, to be 2d lieutenant, 1st July, 1821.

First regiment of artillery.

Lieutenant colonel James House, to be colonel, 8th May, 1822.

Brevet second lieutenant Jonathan Prescott, to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant Washington Wheelwright, to be 2d lieutenant, 1st July, 1821.

Second regiment of artillery.

Major Abm. Eustis to be lieutenant colonel, 8th May, 1822, vice House, promoted.

Brevet second lieutenant David Wallace to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant James Grier to be 2d lieutenant, 1st July, 1821.

Third regiment of artillery.

First lieutenant Samuel Spotts to be captain, 8th May, 1822, vice Wilson, promoted.

Second lieutenant Samuel Ringgold to be 1st lieutenant, 8th May, 1822, vice Spotts, promoted.

Fourth regiment of artillery.

Brevet colonel John R. Fenwick, of light artillery, to be colonel, 8th May, 1822.

Captain William Wilson to be major, 8th May, 1822, vice Eustis, promoted.

Brevet second lieutenant W. W. Wells to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant J. B. Holland to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant John B. Scott to be 2d lieutenant, 1st July, 1821.

First regiment of infantry.

First lieutenant Gaston Powell to be captain, 1st May, 1822, vice Cail, resigned.

First lieutenant George C. Spencer to be captain, 1st June, 1822, vice Richardson, resigned.

Second lieutenant E. J. Lambert to be 1st lieutenant, 1st May, 1822, vice Powell, promoted.

Second lieutenant William Malcolm to be 1st lieutenant, 1st June, 1822, vice Spencer, promoted.

Brevet second lieutenant Jefferson Vail to be lieutenant, 1st July, 1821.

Third regiment of infantry.

First lieutenant Wm. G. Belknap to be captain, 1st February, 1822, vice Bread, resigned.

Second lieutenant Samuel W. Hunt to be 1st lieutenant, 1st February, 1822, vice Belknap, promoted.

Fourth regiment of infantry.

First lieutenant Henry R. Dulany to be captain, 3d February, 1822, vice Humphreys, deceased.

Second lieutenant Joseph B. Seaw to be 1st lieutenant, 2d February, 1822, vice Dulany, promoted.

Fifth regiment of infantry.

Captain J. H. Vose to be major, 1st January, 1822, vice Maney, promoted.

First lieutenant J. Plympton to be captain, 1st January, 1822, vice Vose, promoted.

First lieutenant D. Wilcox to be captain, 1st April, 1822, vice Perry, resigned.

Second lieutenant C. Burbridge to be 1st lieutenant, 1st Nov. 1821, vice Griswold, resigned.

Second lieutenant J. B. F. Russel to be 1st lieutenant, 1st January, 1822, vice Plympton, promoted.

Second lieutenant C. C. Hobart, to be 1st lieutenant, 1st April, 1822, vice Wilcox, promoted.

Brevet second lieutenant Jul. Ad Lagnel, to be 2d lieutenant, July, 1821

Sixth regiment of infantry.

William P. Buchanan to be 2d lieutenant, 21st June, 1822.

Second lieutenant W. D. M'Cray to be 1st lieutenant, 5th November, 1822, vice Taylor, deceased.

Brevet second lieutenant Jos. Pentland to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant W. W. Gaillard to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant J. Rogers to be 2d lieutenant, 1st July, 1821.

Brevet second lieutenant D. M. Porter to be 2d lieutenant, 1st July, 1821.

Seventh regiment of infantry.

Major J. B. Maney, to be lieutenant colonel, 1st January, 1822, vice Butler, declined.

Second lieutenant Pierce Butler, to be 1st lieutenant, 1st March, 1821, vice Houston, resigned.

APPOINTMENTS.

Brevet major Samuel B. Archer, captain 3d regt. artillery, to be inspector general.

Mordecai Haile, late post surgeon, to be assistant surgeon, 27th October, 1821.

Richard S. Satterlee, to be assistant surgeon, 25th February, 1822.

Zena Pitcher, N. Y. to be assistant surgeon, 8th May, 1822.

William Eustis Langdon, N. H. to be assistant surgeon, 8th May, 1822.

Robert M'Millan, to be assistant surgeon, 1st July, 1822.

Nathan Towson, to be paymaster-general.

Timothy P. Andrews, D. C. to be paymaster, 22d May, 1822.

John P. M'Guire, to be store-keeper, 14th Feb. 1822.

Cadet George Dutton, to be brevet 2d lieutenant corps of engineers, 1st July, 1822.

Cadet Joseph Mansfield, to be brevet 2d lieutenant corps of engineers, 1st July, 1822.

Cadet James Cook, to be brevet 2d lieutenant 1st regiment of artillery, 1st July, 1822.

Cadet Augustus Canfield, to be brevet 2d lieutenant 1st regiment of artillery, 1st July, 1822.

Cadet David Vinton, to be brevet 2d lieutenant, 1st regiment of artillery, 1st July, 1822.

Cadet Thomas R. Ingalls, to be 2d lieutenant, 2d regiment of artillery, 1st July, 1822.

Cadet William Rose, to be brevet 2d lieutenant, 2d regiment of artillery, 1st July, 1822.

Cadet William C. Young, to be brevet 2d lieutenant, 2d regiment of artillery, 1st July, 1822.

Cadet John J. Schuyler, to be brevet 2d lieutenant, 2d regiment of artillery, 1st July, 1822.

Cadet Charles G. Smith, to be 2d lieutenant, 2d regiment of artillery, 1st July, 1822.

Cadet Walter Gwynn, to be brevet 2d lieutenant, 3d regiment of artillery, 1st July, 1822.

Cadet Campbell Graham, to be brevet 2d lieutenant, 3d regiment of artillery, 1st July, 1822.

Cadet Isaac Trimble, to be brevet 2d lieutenant, 3d regiment of artillery, 1st July, 1822.

Cadet Horace Bliss, to be 2d lieutenant, 4th regiment of artillery, 1st July, 1822.

Cadet William Cooke, to be 2d lieutenant, 4th regiment of artillery, 1st July, 1822.

Cadet Thompson B. Wheelock, to be brevet 2d lieutenant, 4th regiment of artillery, 1st July, 1822.

Cadet John Pickell, to be brevet 2d lieutenant, 4th regiment of artillery, 1st July, 1822.

Cadet Henry H. Gird, to be brevet 2d lieutenant, 4th regiment of artillery, 1st July, 1822.

Cadet William M. Boyce, to be 2d lieutenant, 1st regiment infantry, 1st July, 1822.

Cadet George A. M'Call, to be 2d lieutenant, 1st regiment of infantry, 1st July, 1822.

Cadet John J. Abercrombie, to be brevet 2d lieutenant, 1st regiment of infantry, 1st July, 1822.

Cadet Benjamin W. Wright, to be 2d lieutenant, 2d regiment of infantry, 1st July 1822.

Cadet Thompson Morris, to be 2d lieutenant, 2d regiment of infantry, 1st July, 1822.

Cadet George W. Folger, to be brevet 2d lieutenant, 2d regiment of infantry, 1st July, 1822.

Cadet George Wright, to be 2d lieutenant, 3d regiment of infantry, 1st July, 1822.

Cadet John D. Hopson, to be 2d lieutenant, 3d regiment of infantry, 1st July, 1822.

Cadet Westwood Lacey, to be 2d lieutenant, 4th regiment of infantry, 1st July, 1822.

Cadet Eustice Trenor, to be 2d lieutenant, 4th regiment of infantry, 1st July, 1822.

Cadet Samuel Wragg, to be brevet 2d lieutenant, 4th regiment of infantry, 1st July, 1822.

Cadet St. Clair Denny, to be 2d lieutenant, 5th regiment of infantry, 1st July, 1822.

Cadet David Hunter, to be 2d lieutenant, 5th regiment of infantry, 1st July, 1822.

Cadet Albert Lincoln, to be 2d lieutenant, 5th regiment of infantry, 1st July 1822.

Cadet John R. Wilcox, to be 2d lieutenant, 5th regiment of infantry, 1st July, 1822.

Cadet Henry Clarke, to be brevet 2d lieutenant, 5th regiment of infantry, 1st July, 1822.

Cadet David Moniac, to be brevet 2d lieutenant, 6th regiment of infantry, 1st July, 1822.

Cadet Francis Lee, to be 2d lieutenant, 7th regiment of infantry, 1st July, 1822.

Cadet John R. Stephenson, to be 2d lieutenant, 7th regiment of infantry, 1st July, 1822.

Cadet Thomas Johnson, to be 2d lieutenant, 7th regiment of infantry, 1st July, 1822.

Cadet Thomas M'Namara, to be brevet 2d lieutenant, 7th regiment of infantry, 1st July, 1822.

The officers promoted, will report for duty according to their promotions, with the exception of lieutenant colonel Eustis, who will remain for the present on duty with the 4th regiment of artillery, at St. Augustine, (E. F.)

Those appointed, have received special orders from this office. By order.

CHARLES J. NOURSE,

Acting adjutant general.

Indian Armistice.

LITTLE ROCK, (Ark.) June 4.

Mr. Philbrook, U. S. sub-agent to the Osage nation of Indians, arrived here this morning, and has politely favored us with a copy of the following armistice agreed upon by the Cherokees and Osages:

The chiefs, head men and warriors of the Osage nation of Indians, having made propositions to the chiefs, head men and warriors of the Cherokee nation, to meet them at the United States' garrison, at Belle Point, to hold a great talk, for the purpose of burying the tomahawk, and making a firm and lasting treaty of peace and friendship: the chiefs, head men and warriors of the Cherokee nation being desirous to terminate the unhappy differences which have so long existed between them, do agree to said propositions. The two contracting parties being desirous to put an end to the evils of war as soon as practicable, do agree to the following

Preliminary articles of peace.

Art. 1. The Cherokee chiefs, head men and warriors, pledge the good faith of their nation not to send any hostile force into the Osage country from and after the date of these preliminaries, (unless they themselves shall be attacked on their own

ground by the Osages), until twenty days from and after the breaking up of the great talk proposed to be held at the garrison. The Osage head men, chiefs and warriors, likewise pledge the good faith of their nation not to send any hostile force into the Cherokee nation, (unless they themselves shall be attacked on their own ground by the Cherokees), until twenty days from and after the breaking up of the great talk aforesaid.

Art. 2. The Osage chiefs, head men and warriors, bind themselves, that, as soon as they shall be informed of the Cherokee chiefs agreeing to the propositions submitted to them upon the subject of peace, to despatch runners forthwith and recal all their war parties that may have gone against the Cherokee nation, and to instruct them not to pass the frontier limits of their own nation.

Art. 3. If the Cherokees have any war parties out against the Osages at this time, their chiefs, head men and warriors bind themselves to send runners and have them recalled without delay, and instructed not to pass beyond the frontier limits of the Cherokee nation, nor to commit any act of violence against the Osages, unless they themselves shall be attacked upon their own ground.

Art. 4. If any mischief should be done by either of the two contracting parties, to the people of the other party, by any party or parties that may, at this time be out to war, and before they shall be recalled, (provided all due diligence shall be made to recal them), if the mischief should extend to the taking of life, it is not to be so construed by either party as to prevent the aforesaid meeting at the garrison, for the purpose of endeavoring to make a treaty of peace and friendship; if it should extend merely to the taking of property of any description, each nation respectively pledges itself that such property shall be returned to the party from which it was taken.

Art. 5. The great talk proposed to be held at the garrison is to take place with the least possible delay. The Osage sub-agent is to allow the Osage chiefs a reasonable time to get from their respective villages to the garrison; and he is to notify the Cherokee chiefs of the time the talk is to be held.

Art. 6. If either of the contracting parties should violate any of the foregoing articles, they pledge themselves to allow and permit the government of the United States to punish the aggressor in such manner as it shall deem proper, without such act being considered by the party so violating these articles an act of hostility, or the least violation of the good faith and friendship which at present exists between them, the United States and said party.

[The above armistice is dated on the 6th May, 1822, and is signed by eighteen Osage and fifteen Cherokee chiefs.]

The Osages have appointed the 30th day of July next for the meeting in council of the chiefs, &c. of the respective nations, at Fort Smith, and the sub-agent has notified the Cherokees of the same.

This has indeed been a troublesome and vexatious business to Mr. Philbrook, to whose indefatigable industry and perseverance is all the credit due of concluding the foregoing armistice, which, for humanity's sake, we sincerely hope will result in a firm and lasting peace between the two contracting parties.—*Wash. City Gaz.*

Cornplanter's Speech.

FROM THE VENANGO HERALD.

By an act of the legislature, their honors, Jesse Moore and Joseph Hackney, were appointed com-

missioners to explain the law exonerating Cornplanter from certain taxes. After the explanation, the following speech was delivered by Cornplanter, at the court-house, at Warren, on the 4th day of June, 1822:

"Yesterday was appointed for us all to meet here. The writing which the governor sent here pleased us very much. I think that the Great Spirit is very much pleased that the white people have been induced so to assist the Indians as they have done, and that he is pleased also to see the great men of this state and of the United States so friendly to us. We are much pleased with what has been done.

"The Great Spirit first made the world, and next the flying animals, and found all things good prosperous. He is immortal and everlasting. After finishing the flying animals, he came down on earth and there stood. Then he made different kinds of trees, and weeds of all sorts, and people of every kind. He made the spring and other seasons, and the weather suitable for planting. These he did make; but stills to make whiskey to be given to Indians he did not make. The Great Spirit bids me tell the white people not to give Indians this kind of liquor. When the Great Spirit had made the earth and its animals, he went into the great lakes, where he breathed as easily as any where else, and then made all the different kinds of fish. The Great Spirit looked back on all that he had made. The different kinds he made to be separate, and not to mix with and disturb each other; but the white people have broken his command, by mixing their color with the Indians; the Indians have done better by not doing so. The Great Spirit wishes that all wars and fightings should cease.

"He next told us that there were three things for people to attend to—First, we ought to take care of our wives and children—Secondly, the white people ought to attend to their farms and cattle—Thirdly, the Great Spirit has given the bears and deers to the Indians. He is the cause of all things that exist, and it is very wicked to go against his will. The Great Spirit wishes me to inform the people that they should quit drinking intoxicating drink, as being the causes of diseases and death. He told us not to sell any more of our lands, for he never sold lands to any one. Some of us now keep the seventh day; but I wish to quit it, for the Great Spirit made it for others, but not for the Indians, who ought every day to attend to their business. He has ordered me to quit drinking any intoxicating drink, and not to lust after woman but my own, and informed me that by doing so I should live the longer. He made known to me that it is very wicked to tell lies. Let no one suppose this I have said now is not true.

"I have now to thank the governor for what he has done, and have informed him what the Great Spirit has ordered me to cease from, and I wish the governor to inform others of what I have communicated. This is all I have at present to say.

CORNPLANTER."

CHRONICLE.

The *Macedonian* frigate, capt. Biddle, has arrived at Norfolk, from a cruise in the West Indies. She has lost seventy of her crew, including ten officers, by the yellow fever, and about fifty of the remainder were sick on her arrival. All possible relief was immediately offered, and the sick were to be accommodated and attended to on Craney island—"a healthy spot."

The ship *Cyane*, captain Spence, has sailed from Norfolk on a cruise.

Capt. Hull's court of inquiry.—The members of the court of inquiry on com. Hull's trial, says the Washington Gazette, are now appointed; and will consist of com. *Rodgers*, com. *Chuuncey*, and capt. *Morris*.

The slave trade is said to decline on the African coast. The French now have two corvettes, one brig and two schooners cruising thereon, and the British squadron is active. Several captures have been made by both.

Cassimeres, of the very best quality, are manufactured at Oquequon, Virginia. Sold at three dollars per yard, they are said to equal the imported at 3.50 or 4 dollars.

American canvas. Many of our best private, as well as public ships, are now furnished with home-made canvas, from the great manufactory at Patterson, N. J. and others. It is decidedly preferred.

Onondaga salt. Extensive preparations are making at Salina to manufacture salt by evaporation in the sun. There seems to be no doubt of success, and the quantity that can be made is not to be calculated. The supply of salt water is inexhaustible, and it is about five or six times as strong as the water of the ocean.

Mermaid. An account is published in one of the Boston papers, stating that the captain of an American ship had purchased at Java, a preserved Mermaid, brought there by a Japanese—the description of which pretty nearly corresponds with the old stories which we have respecting such an animal. The owner had exhibited it at the Cape of Good Hope and was carrying it to England, from whence, if it arrives, we shall hear more about it. But, it should be recollected that the Japanese are as nice workmen as the Chinese, and many persons have bought what they supposed was a capon or a ham, and never knew, until the knife was applied to the articles when on the table, that they were compositions not eatable.

Funeral procession. On Monday the 22d ult. the ceremony of interring the bones of the brave men who fell at the Minisink battle, in Orange county, N. Y. during the revolutionary war, took place. The line of procession was preceded by the cadets from West Point, and extended a mile in length. Major Poppino, who bore a conspicuous part in that battle, now ninety six years old, walked with the procession, and was one of the pall bearers. The number of persons assembled on this interesting occasion, says the Goshen Patriot, has been variously estimated, but the best founded calculations we have heard, makes out 2000 carriages of all descriptions, averaging five persons each; and this is not perhaps too high. For most of them were two horse waggons, crowded full, some with eight or ten. Besides these, there were great numbers on horseback and on foot, so that the whole number could not have fallen much short of twelve thousand.

Rapid growth. Poulson's Philadelphia paper states, that, in Byberry, Penn. there is a large green willow tree, 9 ft. and 6 in. in circumference, and 60 ft. high, which, in 1796, sprung from the bark of a boy's whistle, and being nursed with some care, has, in 26 years, attained the above enormous size. It is supposed to contain 3 or 4 cords of wood, and has, doubtless, branches enough to supply the whole state of Pennsylvania with whistles.

The *Utica* papers have a weekly return of arrivals and departures on the Erie canal—the following is the last which came to hand:—Arrived, since our last, 33 boats, with 3,596 bbls. flour, 809 do. salt, 12 do. pork, 90 do. ashes, 40 bushels wheat, 4,640 do. water-lime, 400 do. corn, 9,942 galls. of whiskey. Cleared, same time, 38 boats, with 54 tons merchandise and passengers.

Marriage licenses. The Baltimore Patriot gives us the following as the amount of the marriage licenses that have been taken out of the proper office in this city, for the years stated:

From May 1st, 1814, to May 1st, 1815, 503			
do.	1815, to	do.	1816, 829
do.	1816, to	do.	1817, 797
do.	1817, to	do.	1818, 777
do.	1818, to	do.	1819, 767
do.	1819, to	do.	1820, 694
do.	1820, to	do.	1821, 670
do.	1821, to	do.	1822, 688

5727

In this account, the marriages of the society of Friends, &c. are, of course, not included.

True courage. An old officer of distinction and of tried valor, refused to accept a challenge sent him by a young adventurer; but returned the following answer: "I fear not your sword, but the anger of my God—I dare venture my life in a good cause, but cannot hazard my soul in a bad one; I will charge up to the cannon's mouth for the good of my country, but I want courage to storm hell."

Great trotting. A horse and a mare were lately trotted nine miles, over a two mile course, at Rutherford, in England, for a bet of 500 guineas. The mare performed the distance in 27 minutes and 46 seconds, beating the horse exactly in, and no more than, three seconds of time!

Arsenic. A man, says an English paper, was poisoned in a very singular manner. His physician prescribed for him a dose of arsenic and sent it to a druggist to be put up. The druggist having adjusted his scales with the proper weights turned to get the arsenic; while in the act of getting it, a worm or caterpillar crawled up the scales in which the weights were, and in this situation added its own weight, which occasioned the dose to be too large, and thus destroyed the patient.

Fecundity.—A common streaked snake, though of unusual size, was killed last week in the town of Fredonia, Chautauque county, (N. Y.) from which were taken ninety-eight young ones, of from five to seven inches in length, and of sufficient animation to crawl about with considerable spirit.

Curious phenomenon. A spot of ground, nearly an acre in extent, in the neighborhood of Hudson, lately sunk precipitately down, leaving a perpendicular bank, where it had broken off, about 18 or 20 feet high. This had the effect of stopping up the channel in the Claverack creek, by which the stream was forced back, till its banks could confine it no longer, and then it overflowed the adjacent grounds. But the most remarkable circumstance attending this movement of the earth, is, that the entire bed of the creek, for about 100 yards in length, had been raised up to the surface of the water, and was so dry and firm that it could be easily walked over. Conjecture is at work to account for this singular phenomenon; but, after forming a variety of theories, none of them appears to have been adopted as the correct one.

[N. Y. Com. Adv.]

NILES' WEEKLY REGISTER.

NEW SERIES. No. 25—Vol. X.] BALTIMORE, AUG. 17, 1822. [No. 25—Vol. XXII. WHOLE No. 571

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

MR. ADAMS has announced his intention of altering the "form" of presenting his continuation of the defence of himself, and of the majority of the Ghent mission. It will be given in a pamphlet, and make a considerable volume. The chief purpose is to examine certain subjects of great political interest and future importance to the United States. What may be called his *personal* vindication, appears to be finished.

NEW-YORK. Eight new cases of yellow fever were reported to the board of health on the 9th instant, and it was supposed that there were several others, that, for the want of time, had not been communicated. The limits to be fenced up were immediately extended—the disease assumed an alarming appearance very suddenly. No new cases were known on the 11th, but a few have been since reported, with some deaths. Trinity church is within the seat of the disease—it has been shut up, and burials in the yard are forbidden, under the penalty of 100 dollars, until further notice. The latest accounts shew that the alarm had considerably subsided, and afford us reason to hope that every cause for it may be speedily removed.

YELLOW FEVER. It appears that the board of health at Philadelphia, adhering to the old restrictive principle, sent an agent to New-York, early last week, to ascertain the condition of that city as to the existence of yellow fever. When this disease prevailed in some parts of Baltimore in 1819, fifteen or twenty persons, whose places of business were in the infected districts, died within about a stone's throw of the dwelling of the writer of this; but no one took the disease from them, nor did any person remove in consequence of their illness. Except as to those cases, the neighborhood was remarkably healthy, as it usually is.

VESSLS arriving from New-York were officially directed, on the 5th inst. to remain at the Lazaretto for orders, before they could proceed to Philadelphia.

AMERICAN ATLAS. An agent is now in Baltimore to obtain subscribers for the splendid American Atlas, about to be published at Philadelphia, by Messrs H. Carey & Lea, on the plan of *Le Sazé's*. It is not easy, with any thing like brevity, to speak of a work of its great merit and extent. Its maps, charts and tables, contain a great portion of geographical, historical and political information combined, of the highest importance to the statesman, scholar and searcher after interesting truths.

U. S. STOCKS. By the following notice from the treasury department, it will appear that the project for an exchange of stocks has so far failed, and the 3rd section of the act, [see present vol. of the REGISTER, page 140], will now regulate the proposed transfer until the 1st of October ensuing. The time seems to have passed away when such a scheme was practicable in our country—and persons are not willing to take five, when they expect to receive six per cent. interest for money. But, as the rate of interest has been reduced by the bank of England, perhaps we may receive some foreign aid in support of the plan:

Vol. XXII.—25.

"The amount of seven and six per cent. stocks, authorized to be subscribed by the first section of the act passed the 20th of April, 1822, entitled an "Act to authorize the secretary of the treasury to exchange a stock, bearing an interest of five per cent. for certain stocks, bearing an interest of six and seven per cent." not having been subscribed, the proprietors of six per cent. stocks of 1812, 1813, 1814 and 1815, and of seven per cent. stock of 1815, who may wish to avail themselves of the provisions of the third section of the act, are hereby informed; that the books have been opened at the treasury for receiving subscriptions pursuant thereto, and will continue open until the first day of October next.

The subscriptions may be made by the proprietors of the stocks specified, either in person, or by their attorneys, duly authorized to make the subscriptions and transfer the stocks to the United States, the certificates of which are to be surrendered at the treasury at the time of making subscriptions."

INTERNAL NAVIGATION. No less than *fourteen* vessels, of considerable burthen, the largest that navigate the upper lakes, were lying in Buffalo harbor on the 5th instant. More than as many hundred will soon annually arrive at or depart from that port.

THE MACEDONIAN. In our last paper we noticed the arrival of this frigate at Norfolk. She had lost *seventy-six* of her officers and crew by disease, and had between fifty and sixty on the sick list, most of them convalescent—but several deaths and some new cases have since occurred. Great exertions were promptly made to relieve the survivors—the healthy part of the crew were transferred to another vessel, and the sick landed on Craney island, a healthy spot, where the best accommodations were provided for them. The names of those who died during her cruise are given; the officers were—George W. Isaacs, lieutenant. James M. C. Clements, lieutenant of marines; John Cadle, surgeon; and Messrs Rand, Wood, Emmet, Hossack, Murray and Rutgers, midshipmen; and John Sickles, captain's clerk. Lieutenant George Pearce, 1st of the ship, has died since her arrival, and some others—total number of deaths up to the 12th instant—*ninety-one*!

The disease that has prevailed on board this vessel is called the "ship fever," and a letter from Havana says,—"It is not to be presumed that the crew of the Macedonian got sick from being at Havana, but from her having, after a two years voyage in the Pacific, returned home without *cleansing out*. It must be recollected also, that she took in provisions and sailed in three weeks, and that she had been at the island of St. Domingo."

This great destruction of life has much excited the public attention. Such a case has never before happened in our service, and we hope that the causes of it will be zealously inquired into.

PRIVATEERING. An eastern paper gives the names of seven American vessels, recently captured by Spanish privateers, and condemned at Porto Cabello and Porto Rico, under the paper blockade of the Colombian coast.

THE FIRST NUMBER of the "Washington Republican and Congressional Examiner," edited by col. Thomas L. McKenney, was received last week. In its progress thus far, it promises well to become an interesting and useful paper.

THE ARMY. The military affairs of the United States are separated into two departments, the eastern and western. The head-quarters of the gen. in chief, is in the District of Columbia; of the Eastern, at Gouverneur's Island, N. Y.; of the Western, at Louisville, Ken. The eastern department comprizes all east of a line drawn from the southernmost point of Florida to the north-west extremity of Lake Superior—the western, all west of that line, taking in the whole of Kentucky and Tennessee, &c.

MR. RANDOLPH yet makes a noise in the London papers. The "Sun," of the 24th June, gives the important intelligence that he, "late candidate for the office of president of the United States of America, had dined at Portsmouth with admiral sir J. H. Whithshed, K. C. B. commander in chief at" that station!

NATIONAL PARTIES. It appears that much irritation prevails between what are locally called the American and French parties at New-Orleans. The former has succeeded in electing Mr. Livingston to congress. But great complaints are made that the natives of France and St. Domingo have a monopoly of the posts of profit and honor. One of the papers says, "The period has arrived when we must ascertain the fact, whether foreign Frenchmen, who have sought a refuge on this continent from distress, are to root out and overpower its native possessors."

SPAIN. A paper is published as a manifesto of the Spanish government, and as presenting its views in regard to the (late) Spanish American provinces. It shews a design to attempt to maintain the authority of Spain over these provinces, and to use her utmost means to prevent an acknowledgment of the new states by the European powers; but does not refer to any proceedings had in the United States in respect to this matter. We do not give the article, because we cannot regard it as genuine.

KENTUCKY. Much discussion is still going on in this state as to the policy and effect of the "relief measures," and the right and wrong of them are ardently contested. We have always entertained an opinion that proceedings of this nature must needs operate for the benefit of a designing few at the cost of the honest many—and, that for one deserving person whom they really assist or preserve, they break down and destroy at least twenty others, as well entitled to the public concern as that favored one. At a dinner, on the 4th of July, the venerable SHELLEY gave the following toast:

"The relief measures are demoralizing, impolitic and unconstitutional—may they be crushed."

TENNESSEE. Gov. Carroll, in his late message to the legislature of Tennessee, has the following remarks: at once honorable to his head and heart:

"I am happy in having it in my power to say, that the pecuniary embarrassments of the country have been greatly diminished by the industry of our citizens, and the surplus produce of the last year—a reasonable hope is entertained that they will soon

be entirely removed. To effect an object so desirable, nothing will have a greater tendency than the encouragement of domestic manufactures, frugality and industrious habits. A course of this kind will result in much more permanent benefit to the country, than the enactment of *stay* and *replevin* laws, or the emission of an unsound paper currency."

CAPTAIN HULL. The court instituted to inquire into the official conduct of captain Hull, met at Boston on the 12th instant—previous to which the following "notice" was published in the newspapers:

"The government of the United States having, on the special request of captain Isaac Hull, appointed captains John Rodgers, Isaac Chauncey, and Charles Morris, esqrs. of the United States navy, a court of inquiry, to convene at the navy yard in Charlestown, on the 12th day of August current, at 11 o'clock, A. M. and there to examine minutely into the official conduct of captain Hull since his appointment as commandant of that yard, with direction to report all the facts and circumstances which shall be disclosed by the inquiry, together with their opinion in relation to the same: all persons who have any complaints to make, or know any facts or circumstances tending to implicate captain Hull, as commandant as aforesaid, are hereby required to appear at the time and place above-mentioned—and then and there give evidence before said court.

GEORGE SULLIVAN, *Judge Advocate*.

Boston, Aug. 6 1822."

☞ We do not like this manner of advertising for witnesses, though probably adopted at the request of captain Hull, himself, that those who have a knowledge of any thing prejudicial to his character may now speak, "or ever after hold their peace." Persons are not apt to volunteer to bear witness against their neighbor, and no one but a personal enemy, if any the gallant captain has, could obey a summons like this, and become liable to the suspicion of unworthy motives. The "judge advocate" has surely over-stepped his authority in requiring the attendance of "all persons," as stated in his notice—we are not certain that private persons can even be summoned, under compulsory process, by a military court of inquiry, and feel confident that, if so, there is danger in the power granted. But there is something exceedingly offensive to us, that witnesses should be advertised for to attack the reputation of the man who led the van of the naval glory of his country in the late war. Feelings may prevail at Boston to palliate the proceeding—but the nation cannot participate in them; and public officers are not to act for the little spot on which they happen to be located.

AFRICA. The colony at Cape Mesurado is well reported of. Some of the people have lately returned for the purpose of taking out their families. This proceeding will, probably, induce others to emigrate.

THE FULLER'S EARTH, lately discovered in New-York, is ascertained to possess all the desired qualities.

COTTON. A specimen of cotton from Illinois, said to be of the second quality raised there, has been forwarded to Baltimore. "It is beautifully white and fine, but a little shorter than the Louisiana," says the editor of the *American Farmer*.

THE MAILS, from Abbingdon to Lynchburg, Va. appear to have been frequently robbed between the 20th of June and 10th of July, ultimo.

THE SAUT DE ST. MARIE. Col. Brady and the troops have reached this new post, and our flag has been hoisted. Many Indians had visited the place, and appeared quite friendly. The post is healthy, the climate good, the forests abound with game, and the lakes and streams have abundance of excellent fish and fowl.

NAVIGATION. We noticed some time ago the arrival of the schooner *Amanda* at Baltimore, in sixty-five days from Valparaiso. It is calculated that, in that time, she must have sailed 11,850 miles, and have made a *daily* average progress of 182 miles!

RATTLESNAKES. A person lately exhibited at Petersburg, Va. a pair of these snakes, male and female, which were as tame and as obedient to him as spaniels are to their masters. They are in the full possession of their life-destroying power, as was shewn by their killing a rat in ten minutes, and eating it afterwards, in the presence of many spectators, surrounding a large table, on which they were turned loose! The rat received only one, and, apparently, a very slight blow—it was convulsed immediately and died. The snakes caress their master, who assures the public, and especially the ladies, that there is not the least danger in witnessing the exhibition of them.

FOREIGN NEWS.

From London papers of the 30th June.

Great Britain and Ireland. The royal assent has been given to the trade and navigation bills, which recently passed parliament. Intelligence of an adjustment of affairs with the Chinese has been received at London. A motion to repeal the tax on salt has failed in the commons, 104 to 92; but a bill has passed to permit the people to use roasted grain in lieu of coffee, if they please. *Wonderful liberty!* A public dinner had been given in London to Mr. Zea, the Colombian minister. A shipment to the amount of £40,877, principally woollens, was made by one house in Liverpool, in the *Belvidera* for Baltimore.

Fourteen persons have been arrested at Armagh, on a charge of *high treason*. The affair has caused much speculation among the people.

In Ireland, famine and disease were in full progress—their destructive force was hourly accumulating. The king's late visit to Dublin, to drink some hot whiskey punch with his dearly beloved subjects there, cost about as much money as the public and private charity of Great Britain has granted for the relief of starving millions—and the fooleries of the coronation many times more!

The peerage of England has doubled in the last forty years. In 1782 there were but 187 peers, now there are 371, exclusive of the creations at the late coronation.

The London Courier gives six columns to describe the persons and the dresses and decorations of the ladies who attended the late drawing room. A New York editor observes that, "so minute and numerous are the accounts of the latter, that it is difficult to conceive in what way they could have been obtained and published the next day, unless, like our congressional speeches, they were prepared beforehand by the ladies themselves and transferred to the printer."

France. Only six crimes are said to be punishable with death in France, viz: treason, murder, arson, burglary, forgery of the national bank notes and public securities, and robbery with violence.

The people of France are subjected to the most rude and arbitrary system of search. Two persons coming out of a bookseller's shop, were arrested without warrant or authority, dragged before the prefecture of the police, examined, and then dismissed, with the satisfaction of being told that they were suspected of having prohibited engravings!

The public libraries of France are reported to contain 4,470,724 printed books, of which about one fourth are in those of Paris.

Spain. An explosion in this country is expected in France, and hence the march of French troops to the frontier. The cortes has ordered 20,000 militia into service. The province of Valencia is under martial law, on account of disaffection, and the priests are every where exerting themselves, and with considerable success, to produce a civil war—for the "good of christianity,"—like they used to roast honest people!

Portugal. A conspiracy has been detected that had for its object an overthrow of the constitutional government—some priests, "holy men," appear to have been at the bottom of the business. It was their design to have killed off the most eminent members of the cortes. Enslaved nations will learn that, if they desire to regain their natural rights as men, they must commence the work of regeneration by disposing of the national priesthood in comfortable quarters; where they shall be treated well, if they deserve it—but not be permitted to meddle with worldly affairs.

The cortes have adopted measures for the tranquility of Brazil. They appear to be liberal, and probably will have some effect. They have decreed that the crown prince shall remain in this country, to govern it. This is what the people seem to have desired.

It is likely that the crew of the corvette *He-roine* (among whom are 19 Americans), will be treated as pirates, the vessel being condemned as such, which it appears probable that she really was, without a regular commission from any one.

Sicily. A violent quarrel took place at Palermo, on the 29th of May, between the inhabitants and the Austrian troops, when several of the latter were wounded, and one killed. On the 26th of the same month the churches of that city were robbed of all their valuable property. Several individuals had been arrested, and a discovery made of the existence of a troop of 120 robbers, which had hitherto bid defiance to the efforts of the police.

Rome. The pope has issued a rescript strongly enforcing the reading of the holy scriptures.

Sweden. There have been terrible conflagrations in Sweden and Norway—165 houses were burnt at Subzbach, on the 10th May; and the centre of the quarter of Blasieholmen, in Stockholm, was destroyed on the 12th of June—the loss of merchandise alone estimated at from 4 to 500,000 dollars, besides large magazines belonging to the crown, ships in the harbor, &c. The town of Uleaborg has been consumed, and 400 houses burnt in the city of Nordkipping. The town of Embrittsham has also suffered exceedingly. These events are supposed to have happened by design; but a Stockholm paper of the 11th June gives us the following terrible narrative of an accidental fire—In the parish of Grue, in the district of Hedemark, in Norway, a church has been burnt, by which many persons have come

to a melancholy end. The church was of wood, and smeared over with tar so that the whole edifice was in flames in a few minutes. Several hundred persons who were in at the time, rushed to the door, whence a press was caused which stopped the way; the people then ran to the windows, and, though they were high, leaped through them out of the burning building. The clergyman, who was in the pulpit, chose this shorter way, and saved his life by a hazardous leap. But above 100 persons, who could not make their escape, perished in the flames. The fire was occasioned by the carelessness of the sexton, an old man, who had not used due caution with the fire kept for lighting the tapers on the altar.

Russia and Turkey. The amount of the reports, and we have not yet any thing but reports, go to shew that there will not be any war; but the Turks have not yet evacuated the contested provinces. It is stated, however, that Alexander has ordered certain Greeks, whom he stiles "notorious abettors of Ypsilanti" to leave his territories, and directed that the imperial guards should return to the capital. The following is given as the force of the Russian armies on the Turkish frontier, and we cannot yet believe that Alexander has abandoned his design of conquest.—The first army is 140,000 strong, and the second 260,000.—They have 2000 pieces of artillery with them; 60,000 of the troops are grenadiers, and 25,000 hussars.

Turkey. A great number of Greek hostages were slaughtered at Constantinople on the 25th May—some of whom were lately among the most respectable merchants in the Levant—others were distinguished prelates. This affair has been urged in parliament, and lord Londonderry, in reply, said that the enormities were greater than they had been represented in the papers, but that none of the persons had been entitled to British protection, except so far as humanity was concerned, and that lord Strangford had exerted himself to save them, but without success. A member inquired whether the minister could give any account of the new slave trade recently established in the east, for amiable and accomplished christian females, by a government which was encouraged and supported by the free and enlightened administration of England?

The murderers were yet at work at Scio. The barbarians promised an amnesty—the generous French consul proclaimed it, and pledged himself for the sultan's pardon—the people surrendered their arms, and a general massacre followed; 78 persons detained as hostages in the fort, were first cut to pieces, then the unresisting inhabitants of thirteen villages were put to death with the most refined cruelties. Some few had escaped to the mountains, and the French consul's house was filled with women and children, who were nobly protected by him. The whole island is said to be a sepulchre.

The entire amount of persons slaughtered at Scio, or carried off as slaves, is estimated at one hundred thousand! This was one of the most populous and delightful islands in the world, in a very high state of cultivation and improvement, and had famous schools, hospitals, libraries, &c. all which are swept away. See the heart-rending address of the Greeks, page 389.

The affairs of the Greeks are desperate—it is affirmed again that the operation of the Turks, both by sea and land, are now directed by English officers!

The Greek fleets are yet in good condition and keep the sea. A late account says—The Turks

have twice presented themselves before Patras, with their whole naval force, and twice have been compelled by the Greeks to return to their ports. In the last attack, six Turkish vessels separated from the rest of the fleet, and, pursued by the Greeks, sought to save themselves at Murtis. The *English*, to give them time, prohibited the Greek vessels from attacking them; and, as a further precaution, they detained the galliot of the Greek admiral, which had come under a flag of truce, on a pretence that it had violated the sanitary cordon of Santa Maura!

China. The dispute with the English, through the force of money, appears to be settled—at present. The governor of Canton has conceded that the merchants were not to blame for the aggression complained of; and states that it appears "the man of war has run away with the foreign murderers, so that the merchants have no means of delivering them up—but that they will make a complete representation of the affair to their government, that it may be examined into," &c.

Cuba. The captain-general, *Mahy*, died at Havana on the 19th ult. He was a great favorite with the body of the people, and his decease is much deplored by them. He was interred on the 23d, with great pomp and solemnity, in the presence of a multitude of persons. Governor Kinderland succeeds to the temporary command of the island and its dependencies.

Havana is very sickly, and the number of deaths are uncommonly great.

There appears to be two parties in Cuba—one of the natives, and the other of the Spaniards. The former is much the strongest.

Colombia. Despatches have been received at Caracas from the head quarters of the "Liberator President" at Pastos. They say—"The war of the south has terminated with glory to the arms of Colombia. A million of Americans are thus added to the family of the republic; and the conqueror of a hundred battles, the generous enemy of Spain, the creator of Colombia, the immortal *Bolívar*, has added new lustre to his immeasurable glory."

The army under Bolívar amounts to about 7,500 men, including the garrisons in St. Fa. The forces in the province of Venezuela are about 5500 strong, in addition.

A Spanish brig, of 18 guns, with a cargo of specie, indigo, &c. valued at 300,000 dollars, was lately captured by two of the Colombian flotilla. Five Spanish privateers are occasionally off the coast—the strong fortress of Porto Cavallo is still held by the royalists, but the town is nearly destroyed by the besiegers.

Mexico. It is reported, and we fear truly, that the emperor has re-established the inquisition of the friars, and is engaged in the persecution of liberal and philosophic men. If so, we must think that his reign will be a short one.

It has been hinted to the editor of the Register that there is an agent, or pretended agent of the emperor of Mexico in the United States, who wishes to hire a number of able bodied young men to serve as guards for his "imperial majesty." Let them beware how they give up their liberty.

Canada. The British have reduced their naval establishment in Canada. The men are chiefly dismissed and the officers ordered home. A single lieutenant remains on Lake Huron.

Later—London dates of July 10.

After the preceding articles were prepared for the press, another batch of foreign news was re-

ceived, via an arrival at Boston, and brings intelligence ten days later.

That which now most interests us is to ascertain whether the emperor of Russia will really act the part of a *deliverer* of the Greeks from the barbarisms of the "legitimate" Turks; and every honest man seems willing to pardon his lust of domination on account of the wretches to be punished, and for the sake of the worthy to be relieved.

The body of the reports now are in favor of the opinion that we have invariably expressed on this subject—which is, that there would be war between Russia and Turkey, and that the Greeks might be saved, notwithstanding the efforts of the *British* to prevent it from happening—but as yet there are no certainties of these things. Several letters state that the infernal massacre of the Sciois has caused a great change in the sentiments of Alexander as to the affairs of Turkey, and his armies on the frontier have been increased, instead of diminished. It appears entirely certain that the Turks have not evacuated Moldavia and Wallachia, as the condition of the proposed peace; on the contrary, fresh Asiatic troops were entering them. The British ministerial papers regard the accounts as "unsatisfactory," and we believe that the sword and not the pen will settle affairs in the east. Is it not very possible that Alexander, knowing the character of the Turks, has been waiting, if not wishing for, some outrage like that at Scio, to give him an overwhelming excuse for assaulting the barbarians?

The Greeks too, do not appear so much discouraged as former advices represented them to be. They have lately gained several important victories—especially one over Chourschid pacha, at Kartditz, another over the butcher pacha of Salonica, at Cara Veria, and a third over the barbarian army encamped near Larissa; these were important affairs. The provisional government, seated at Corinth, has declared a large part of the Turkish coasts in a state of blockade—the decree shall be given hereafter. There are some details of the affairs that took place at Scio, from eye-witnesses of them—they are most horrible. Not content with murdering all they could get hold of or making slaves of them, with burning 40 villages and 82 churches, leaving only 15 houses standing on the island, they opened even the tombs and strewed the bones of the long deceased to embellish the streets, filled with the bodies of the recently slain! The actors in these things are allies of *Christian* England! We shall insert some of these particulars.

It appears now undoubted that the *British* are assisting the Turks—a vessel has arrived at Patras, under the protection of the *British* consul, to supply the Turkish army with grain. Another has sailed from London, direct for Constantinople, laden with gun-powder. A third was lying in the Thames, filled with cannon, muskets, &c. &c. destined for Egypt, under direction of an agent of the Pacha, &c. &c. When these vessels arrive in the Mediterranean, it is probable that they will receive convoy from British ships of war!

The French have two *sanitary* cordons on the Spanish frontier, though no infectious or contagious disease is mentioned as prevailing in Spain. Together, they consist of 60,000 men; and two frigates have sailed from Toulon to cruise on the Spanish Mediterranean coast. We cannot understand the meaning of those proceedings, unless another revolution in Spain is expected—which, indeed, seems likely to happen; for, in the very presence of the king, returning from the cortes, an affair took place between two parties, one shouting *live the*

constitutional king, the other crying out *live the king absolute*, in which swords were drawn. The authors of the latter cry were arrested. The best informed persons in Spain attribute these disorders to the emissaries of France, and the public feeling is so great that Madrid is regarded as no longer a safe residence for the French ambassador!

The distresses in Ireland become greater and greater. *The contributions are already exhausted.* The pestilence is increasing. It has been confidently stated in parliament that the amount of the horrors that prevail in this country, is far beyond the representations of it! But the king is preparing to take a frolic in Scotland, at the cost of, perhaps, 100,000*l.*

The Greeks.

The following address from the Greeks at Constantinople, to their brethren in London, cannot be read without the deepest emotion:—

Constantinople, May 25, 1822.

"Dear and beloved brethren and countrymen in London,

"We doubt not that the news contained herein must have already reached you and fallen like a thunderbolt on your hearts. What more dreadful than the knowledge that our illustrious and innocent countrymen—ten of them in prison here—and those in the castle of Scio, ninety-five in all, universally esteemed and respected, chosen and held as hostages for more than a year past, at least, without a single motive, without even the shadow of a personal accusation against them, have been barbarously executed! We at first deeply lamented the unmerited restraint put upon the persons of those now no more. Their death, ignominious and cruel, in the first burst of grief, nearly paralysed our faculties; but these we look upon now as enjoying eternal and immutable felicity. Our pity no longer is then due, but it flows for those unfortunates who have survived, and who henceforth are doomed to have tyranny unexampled in history and deprivations of every kind. Who can without shuddering read of the total ruin, the universal desolation, of our famed and once happy isle—the destruction of all its inhabitants, nearly one hundred thousand, who, except a very few, that almost miraculously escaped from those ill fated shores, have fallen victims to the sword, to fire, hunger, and slavery, that worst of all evils! Who can, without feelings of indignation mantling their cheeks—without execrating the perpetrators of these horrid acts, behold a whole city, lately so flourishing, now one heap of ruins—whole villages, innumerable country seats, a prey to the flames? Our celebrated school library, hospital for the sick and for the lepers, lazaret for those attacked with the plague, hundreds of churches richly adorned—all one confused mass of smoking rubbish. Our island lately so much frequented by Europeans, and more especially by the English families of the first rank, will now have only their ashes to shew to the passing strangers. Nor is this so dreadful in itself. The most dire of our calamities—the slavery of so many respectable women, young people and children of both sexes, sent off to the different parts of Asia—the markets of this city and Smyrna filled with women and young people of the first rank, and who have received the best education. What can be more dreadful than this? Happy, thrice happy, those whom the steel of the assassin has snatched from scenes so harrowing to the feelings! How miserable those still suffered to exist—who see the sufferings, hear the cries and piteous accents of their wives, children,

and relations; and are witnesses to the barbarous treatment this devoted and innocent people receive from the wretches who have them in their power! What can be laid to our charge? we, poor Sciots, who, from the beginning, have remained faithful, are rewarded with death and slavery! It is well known that, as soon as the Porte heard of the insurrection in the Morea, and sundry islands of the Archipelago, it sent here a Pacha with three tails, having with him about three thousand troops; the whole of the expenses of the garrison was defrayed by our island, which in the course of about fourteen months paid more than 2,700,000 piastres, each according to his means. Besides this, the Sultan ordered a choice to be made of sixty of the most considerable and respectable from our countrymen, beginning with our archbishop Plato, the elders, and other principal inhabitants. The motive in thus treating us was no other than a mean spirit of envy and jealousy at the reputation for riches, which some of us had acquired by an active life spent in commercial pursuits, and at the laws and institutions so superior in our island, even to those of the capital. When the news of the invasion of the imprudent Samiots first spread in Scio—the principal inhabitants waited on the Pacha to apprise him of it—what was his answer?—To send into the castle, as hostages, some more of those innocent men, and to transport all the provisions out of the city into the citadel, not leaving any whatever for the poor inhabitants of the city, who were so numerous. A month after, when the Samiots landed, the Pacha sent some of the hostages, with several Turks, to prevail on the Samiots to evacuate the island, but they imprudently resolved to advance, and told these ministers of peace that they would sooner put them to death than do so. The Pacha then shut himself up in the castle with all the military, taking with him all the hostages. It was understood that a number of peasantry had joined the Samiots; they were, in a manner, forced to it, being apprehensive of the Samiots themselves, and they were only armed with sticks and staves. Eleven days after, the Turkish fleet arrived at the island, and landed 15,000 soldiers, or rather assassins, who, joined by the 3,000 in the castle, being unable to attack and defeat the 3,000 Samiots, used their weapons against the innocent and disarmed inhabitants, and turned their fury against women and children, killing, burning and taking in slavery all the inhabitants of the place; the men they slaughtered, the women and children they brutally treated, and huddled together in one of the large squares, which contained several hundred of the most respectable families; they have not left a stone upon a stone, all destroyed, all ruined; it would fill volumes to recount the different scenes of horror which the ruffians were guilty of; humanity shudders at it. But this universal desolation had not yet satisfied the blood-thirsty followers of Mohammed; they had heaped upon their trembling and tender victims all the bitterness of their fanaticism; ninety-five men, the first of their nation, both as to character and property; men who had always followed the paths of rectitude in their commercial transactions, whose relations were established in almost every known commercial city in the known world; men innocent of any machination against the Turkish government, and who could not, if even they would, have been participators in the rising of the island, since they had been fourteen months under the grasp of the Turkish Satrap. Ten of these were at Constantinople, the remainder at Scio. Lord Strangford made strenuous

efforts to save them; neglected no remonstrances, evinced the greatest ardour in the cause of suffering innocence, and thought he had succeeded in sheltering them from their impending fate, having obtained a promise from the Porte that no harm should be done them, when it suddenly gave orders for their execution; the ten in Constantinople were beheaded, and the eighty-five in Scio were hung outside of the castle, in that very square where so many slaves were placed in sight of the Turkish fleet, who had their decks covered with Greek slaves; oh! how the heart sickens at such refinement of cruelty, and turns with loathing and horror from that hell-born malice that could take delight in deriding the mental agony of the innocent sufferers in this tragic scene. What a number of wives were forced to be spectators of the cruel death of the husbands of their affections; to see, at the same time, their sucking babes torn from their breasts! Thus bereft, at once, of their support and hopes—many, driven to despair by this barbarous usage, threw themselves into the sea; others stabbed themselves, to prevent the loss of honor—to them worse than death, to which they were every moment exposed from the barbarians.

But, alas! let us draw a veil upon those who have thus sunk untimely into the grave; let us not harrow up your souls with the recital of these atrocities; their sufferings are over, and their felicity, let us hope, begun. It is now time to turn your sympathy towards the unfortunate survivors of the general wreck, to call, dear countrymen, your attention to the miserable, naked state of thousands of our Sciots, with which the markets here, at Smyrna and Scio, are glutted. Picture to yourselves children of the tenderest age, till now nursed with the most delicate attention, now driven about with only a piece of cloth around their infantine limbs, without shoes or any other covering, having nothing to live upon but a piece of bread thrown them by their inhuman keepers; ill-treated by them; sold from one to the other, and all in this deplorable situation exposed to be brought up in the Mahometan religion, and lose sight of the precepts of our holy religion. We see all this—yes, alas! what can we do here, reduced to three or four, who, if found out, would be exterminated without mercy? What we could do we have done—but how little among so many claimants to our charity? You, brothers, friends and countrymen, are in the capital of England, the centre of philanthropy, who live among a people always famed for their generous feelings towards the unfortunate—for their dislike to tyranny, and their support of the oppressed, beg, pray, intreat, appeal to their feelings, call upon them, as Britons, as men, as fellow beings—it is in the cause of humanity and religion: they cannot, they will not, be deaf to your prayers and exertions; they will afford us, as far as lies in their power, the means of redeeming the captive, of aiding those families that are in a state of nudity and starvation, who will soon arrive in almost every port of the Mediterranean, when they have been enabled to fly from a yoke worse than death. We rely upon your endeavors, and still more upon the high character of the nation among whom you inhabit—thousands of hands are raised towards you to claim your interference in behalf of your oppressed countrymen. Thousands of hearts will feel grateful for your assistance. Brethren and countrymen, exert yourselves in behalf of humanity—with tearful eye we cordially salute you, and beg you will pray to God for our safety.

Your Brothers and Countrymen.

Independence of Hayti.

The following communication, however strong prejudice and the force of education and circumstances may be, cannot but be read with interest.

From the Boston Centinel of August 10.

PRESIDENT OF HAYTI.

[Having learned that one of our respectable citizens had received a letter from president Boyer, of Hayti, on the subject of the acknowledgment of the independence of that republic and of commercial arrangements between her and the United States, we have requested a copy for publication; and the receiver of it, has made his personal disinclination to the publicity of a complimentary document yield to his desire to afford information to the public. The perusal of this letter will show, that those islanders who have so long struggled for liberty and independence, who know and will justly appreciate their rights; and that, for clearness of conception, correctness of political morality, and just views of national interest, this letter is equal to any white's production. The mind of man in bursting the fetters of tyranny, awakes to new life and energy, and in asserting the chartered rights of nature, evinces an elevation unknown to those in thralldom. Genius, bravery, and high moral attainment, are confined to no zone, nor color, but where freedom is, there will they flourish. The people of Hayti are not fully understood—but the prejudices against them are fast wearing away, and the day, we trust, is not far distant when the United States will acknowledge their independence, with the full consent, not only of the philanthropist, but of the sagacious statesman.)

[DUPLICATE.]

REPUBLIC OF HAYTI.

Jean Pierre Boyer, president of Hayti, to Mr. Dodge, at North Salem, Massachusetts.

"At Port au Prince, 16th Aug. 1821,
19th year of independence.

"I have received, sir, the letter of 9th April last, which you have been pleased to address to me.—I have read it with all the attention which it merits, and all the interest which the sentiments it inspires, dictated. I cannot but applaud the manifestation of zeal and philanthropy which animates you and the wish which you have formed of seeing your government, and those of Europe, acknowledge the independence of the republic of Hayti. For the interests of humanity and of national morality, it should be wished that the rights of the people might be recognized throughout all the civilized world, and that relations, reciprocally advantageous, might be established between states destined to exchange the products of their soil. Considered in this point and view, it cannot be denied that Hayti is of great importance in the scale of commerce. It is then to be hoped that time and experience, enlightening governments upon their true interests, and destroying all prejudices founded upon trifling and absurd considerations, will produce the reign of a wise and reasonable policy, and will cause those governments to feel the necessity of acknowledging the independence of the *Queen of the Antilles*.

"Desirous of being elevated to the rank of civilized nations, and believing that the surest means of accomplishing that object is to establish mutual relations with other nations, and to favor all which can contribute to the development of the human faculties, the Haytiens will always be disposed to

listen to every proposition, officially made, or from individuals, which may be made to them with the view of effecting the establishment of useful relations. At the same time that they desire to establish a good understanding with states which may have commercial relations with them, they think, that before making any diplomatic communication, tending to bring about this happy state of affairs, it would be proper that they should know what are the dispositions of those governments towards them, and in what manner a step taken with this view would be received.

"As to what concerns particularly the government of the United States, I am willing to believe, that the obstacles which, until now, have prevented it from pronouncing itself in favor of the independence of the republic of Hayti, will disappear from the moment it shall yield weak considerations to the honor of rendering a brilliant homage to the principles to which it is indebted for its political existence.

"The friends of liberty in the United States, who interest themselves particularly in the fate of the Haytiens, may, by continuing to exercise a happy influence upon the public opinion by their writings, ascertain the intentions of their government as to what concerns the acknowledgment of the independence of Hayti.

"As to you, sir, who are animated by so noble a zeal for every thing which can contribute to the happiness of mankind, and who have so well proved the lively interest which you take in the cause of the Haytiens, by the useful and judicious observations which you have addressed to me, receive, with my thanks, for the good dispositions which you entertain towards us, the assurance of my distinguished consideration.

"BOYER."

Internal Improvement.

Views of the president of the United States on the subject of internal improvement.

[CONCLUDED.]

To the objection that the United States have no power, in any instance, which is not complete to all the purposes, to which it may be made instrumental, and, in consequence, that they have no right to appropriate any portion of the public money to internal improvements, because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add, that, if this objection was well founded, it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power, it becomes necessary to establish custom houses in every state along the coast, and in many parts of the interior. The vast amount of goods imported, and the duties to be performed to accommodate the merchants and secure the revenue, make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the general government. Have congress the right to seize the property of individuals, if they should refuse to sell it, in quarters best adapted to the purpose, to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as

is presumed, be sustained. They have invariably either rented houses, where such as were suitable could be obtained, or, where they could not purchase the ground of individuals, erected the buildings, and held them under the laws of the state. Under the power to establish post offices and post roads, houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased, and held under the laws of the state, in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the supreme court, and such have been established in every state of the union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should congress be compelled, by invasion or other cause, to remove the government to some town within one of the states, would they have a right of jurisdiction over such town, or hold even the house in which they held their session, under other authority than the laws of such state? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the state, surely they have an equal right to do it for the purposes of internal improvements.

It is believed that there is not a corporation in the union which does not exercise great discretion in the application of the money raised by it, to the purposes of its institution. It would be strange if the government of the United States, which was instituted for such important purposes, and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is, the violation of state rights; shunning that, it seems to be reasonable and proper that the powers of congress should be so construed as that the general government, in its intercourse with other nations, and in our internal concerns, should be able to adopt all such measures, lying within the fair scope, and intended to facilitate the direct objects of its powers, as the public welfare may require, and a sound and provident policy dictate.

The measures of congress have been in strict accord with the view taken of the right of appropriation, both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first, from Cumberland, at the head waters of the Potomac, in the state of Maryland, through Pennsylvania and Virginia, to the state of Ohio, March 29, 1806. See vol. 4th, page 13, of the late edition of the laws. The second, from the frontiers of Georgia, on the route from Athens to New-Orleans, to its intersection with the 31st degree of north latitude: April 31, 1806, page 58. The third, from Mississippi, at a point, and by a route described, to the Ohio: same act. The fourth from Nashville, in Tennessee, to Natchez: same act. The fifth, from the 31st degree of north latitude, on the route from Athens to New-Orleans, under such regulations as might be agreed on between the executive and the Spanish government: March 3d, 1807, page 117. The sixth, from the foot of the rapids of the river Miami, of lake Erie, to the western line of the Connecticut Reserve, December 12th, 1811, page 364. The seventh, from the Lower Sandusky to the boundary line established by the

treaty of Greenville: same act. The eighth, from a point where the United States' road, leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the state of Ohio: January 8th, 1812, page 367. The ninth, for repairing, and keeping in repair, the road between Columbia, on Duck river, in Tennessee, and Madisonville, in Louisiana; and also the road between fort Hawkins, in Georgia, and fort Stoddard: April 27th, 1816, page 104 of the acts of that year. The tenth, from the Shawneetown, on the Ohio river, to the Sabine, and to Kaskaskias, in Illinois: April 27th, 1816, page 112. The eleventh, from Reynoldsburg, on Tennessee river, in the state of Tennessee, through the Chickasaw nation, to intersect the Natchez road near the Chickasaw old town: March 3d, 1817, page 252. The twelfth: by this act, authority was given to the president to appoint three commissioners for the purpose of examining the country, and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the states of Ohio, Indiana and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois river, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation, on the part of the United States, to make, or defray the expense of making, the said road, or any part thereof.

In the late war, two other roads were made by the troops, for military purposes: one from the Upper Sandusky, in the state of Ohio, through the Black Swamp, towards Detroit, and another from Plattsburg, on lake Champlain, through the Chautougee woods, towards Sackett's harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads, was advanced, in the first instance, from the appropriation to the quarter master's department, and afterwards provided for by a specific appropriation by congress. The necessity of keeping those roads open and in good repair, being, on the frontier, to facilitate a communication between our posts, is apparent.

All of these roads, except the first, were formed merely by cutting down the trees, and throwing logs across so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the general government, or which could give rise to any question between the two governments respecting its powers. It is a great work, over the highest mountains in our union, connecting, from the seat of government, the eastern with the western waters, and more intimately the Atlantic with the western states, in the formation of which 1,800,000 dollars have been expended. The measures pursued in this case require to be particularly noticed, as fixing the opinion of the parties, and particularly of congress, on the important question of the right. Passing through Maryland, Pennsylvania and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures, to obtain their sanction, which was granted by each state, by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the state of Ohio, under which that state came

into the union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that state. In this instance, which is by far the strongest, in respect to the expense, extent and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the states, by taking the land from the proprietors by force; by passing acts for the protection of the road; or to raise a revenue from it by the establishment of turnpikes and tolls; or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle: on the voluntary and unqualified admission that the sovereignty belonged to the state and not to the United States; and that they could perform no act which should tend to weaken the power of the state, or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road, and to cause it to be constructed; for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands, and of that which arises from taxes, duties, imposts and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

By an act of April 30, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and for other purposes," after describing the limits of the proposed new state, and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States, if accepted by it: First, That section number sixteen of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, That the six miles reservation, including the salt springs commonly called the Sciota salt springs; the salt springs near the Muskingum river, and in the military tract, with the sections which include the same, should be granted to the said state, for the use of the people thereof, under such regulations as the legislature of the state should prescribe: provided, that it should never sell or lease the same for more than ten years. Third, That one twentieth part of the proceeds of the public lands lying within the said state, which might be sold by congress, from and after the 30th June ensuing, should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the state of Ohio; such roads to be laid out under the authority of congress, with the consent of the several states through which they should pass.

These three propositions were made on the condition that the convention of the state should provide, by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by congress, after the 30th of June ensuing, should remain, for the term of five years after sale, exempt from every species of tax whatsoever.

It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30th, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new states would be settled by the inhabitants of the original states and their offspring, no narrow or contracted jealousy was entertained of their admission into the union, in equal participation in the national sovereignty with the original states. It was foreseen at the early period at which that ordinance passed, that the expansion of our union to the lakes and to the Mississippi and all its waters, would not only make us a greater power, but cement the union itself. These three propositions were well calculated to promote these great results. A grant of land to each township, for free schools, and of the salt springs to the state, which were within its limits, for the use of its citizens, with five per cent. of the money to be raised from the sale of lands within the state, for the construction of roads between the original states and the new state, and of other roads within the state, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was, that the new state should not tax the public lands which might be sold by the United States within it, for the term of five years after they should be sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new state would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it cannot be doubted, had this exemption been suggested, unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it, and without regarding it as an onerous condition.

Since, then, it appears that the whole of the money to be employed in making this road, was to be raised from the sale of the public lands, and which would still belong to the United States; although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same grounds as if such compact had not been made, and, in consequence, that the example in favor of the right of appropriation is in no manner affected by it.

The same rule of construction of the right of appropriation has been observed, and the same liberal policy pursued, towards the other new states, with certain modifications adapted to the situation of each, which were adopted with the state of Ohio. As, however, the reasoning which is applicable to the compact with Ohio, in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new states, I deem it unnecessary to take a particular notice of them.

It is proper to observe that the money which was employed in the construction of all the other roads, was taken directly from the treasury. This fact affords an additional proof, that, in the contemplation of congress, no difference existed in the application of money to those roads, between that which was raised by the sale of lands, and that which was derived from taxes, duties, imposts and excises.

So far, I have confined my remarks to the acts of congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual states. In advert- ing to those which operate externally and relate to foreign powers, I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress; the first in 1794, to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second, in 1812, to the people of Caraccas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

In this examination of the right of appropriation, I thought it proper to present to view, also, the practice of the government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the constitution. And where the right to raise it is granted, without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there, we must then look to the general powers of the government, as designated by the specific grants, and to the purposes contemplated by them, allowing to this the right to raise money, the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation, and produces a manifest and positive good. A practical construction, thus supported, shews that it has reason on its side, and is called for by the interests of the union. Hence, too, the presumption that it will be persevered in. It will, surely, be better to admit that the construction given by these examples has been just and proper, than to deny that construction and still to practice on it—to say one thing and to do another.

Wherein consists the danger of giving a liberal construction to the right of congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the states from encroachment and greater harmony in the political movement between the two governments, while it enlarges, to a certain extent, in the most harmless way, the useful agency of the general government for all the purposes of its institution. Is not the responsibility of the representative to his constituent, in every branch of the general government, equally strong, and as sensibly felt, as in the state governments, and is not the security against abuse as effectual in the one as in the other government? The history of the general government, in all its measures, fully demonstrates that congress will never venture to impose unnecessary burthens on the people, or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures, had there been no occasion for the revenue arising from them; and taxes and excises have never been laid, except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process, and the sale of some hundreds of mil-

lions of acres of good land, the government will be possessed of money, which may be applied with great advantage to national purposes. Within the states only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country, in the instances of the inhabitants of St. Domingo and Caraccas, will often occur. How, then, shall this revenue be applied? Should it be idle in the treasury? That our resources will be equal to such useful purposes, I have no doubt, especially if, by completing our fortifications, and raising and maintaining our navy at the point provided for, immediately after the war, we sustain our present altitude, and preserve, by means thereof, for any length of time, the peace of the union.

When we hear charges raised against other governments of breaches of their constitutions, or rather of their charters, we always anticipate the most serious consequences: communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished, in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can any thing mark more strongly the great characteristics of that difference, than the grounds on which like charges are raised against this government. It is not alleged that any portion of the community, or any individual, has been oppressed, or that money has been raised under a doubtful title. The principal charges are, that a work of great utility to the union, and affecting, immediately, and with like advantage, many of the states, has been constructed; that pensions to the surviving patriots of our revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression, but almost without being felt, and under an acknowledged constitutional power.

From this view of the right to appropriate, and of the practice under it, I think that I am authorized to conclude, that the right to make internal improvements has not been granted by the power "to pay the debts, and provide for the common defence and general welfare," included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts and excises, conveyed by the first branch of that power; that the government itself being limited, both branches of the power to raise and appropriate the public moneys are also limited; the extent of the government, as designated by the specific grants, marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants, and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money, than to extend, by a forced construction, the grant itself. That, although the right to appropriate the public money to such improvements, affords a resource indispensably necessary to such a scheme, it is, nevertheless, deficient as a power, in the great characteristics on which its execution depends.

The substance of what has been urged on this subject may be expressed in a few words. My idea is, that congress have an unlimited power to raise money, and that in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence, and of general, not local, national, not state, benefit.

I will now proceed to the fifth source from which the power is said to be derived, viz. The power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. This is the 17th and last of the enumerated powers granted to congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the general government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the general government, it gives to congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably, that this power would have existed, substantially, if this grant had not been made; for why is any power granted, unless it be to be executed when required, and how can it be executed under our government, unless it be by laws necessary and proper for the purpose, that is, well adapted to the end? It is a principle universally admitted, that a grant of a power conveys, as a necessary consequence or incident to it, the means of carrying it into effect, by a fair construction of its import. In the formation, however, of a constitution which was to act directly upon the people, and be paramount, to the extent of its powers, to the constitutions of the states, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all governments with which we have any acquaintance; and it was reasonable to presume that, under our system, where there was a division of the sovereignty between two independent governments, the measures of the general government would excite equal jealousy, and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy, by the framers of our government, of securing, by a fundamental declaration in the constitution, a principle which, in all other governments, had been left to implication only. The terms necessary and proper secure to the powers of all the grants, to which the authority given in this is applicable, a fair and sound construction, which is equally binding, as a rule, on both governments, and on all their departments.

In examining the right of the general government to adopt and execute, under this grant, a system of internal improvement, the sole question to be decided is, whether the power has been granted under any of the other grants. If it has, this power is applicable to it, to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants, (one only excepted, which will next claim attention), and shown, as I presume, on the most liberal construction of their powers, that the right has not been granted by any of them. Hence it follows, that, in regard to them, it has not been granted by this.

I come now to the last source from which this power is said to be derived, viz. the power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the constitution.

To form a just opinion of the nature and extent of this power, it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared, that new states shall be admitted into the union, but that no new state shall be formed, or erected, within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the United States.

If we recur to the condition of our country, at the commencement of the revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies, limits by latitude and other descriptions, were assigned to each. In commencing the revolution, the colonies, as has already been observed, claimed by those limits, although their population extended, in many instances, to a small portion of the territory lying within them. It was contended, by some of the states, after the declaration of independence, that the vacant lands, lying within any of the states, should become the property of the Union, as, by a common exertion, they would be acquired. This claim was resisted by the others, on the principle that all the states entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily, this controversy was settled, as all interfering claims and pretensions, between the members of our union, and between the general government, and any of these members, have been in the most amicable manner, and to the satisfaction of all parties. On the recommendation of congress, the individual states, having such territory within their chartered limits, ceded large portions thereof to the United States, on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States; and that the districts be admitted into the union, when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory, and this the property, referred to in the second clause of the 4th article of the constitution.

All the states which had made cessions of vacant territory, except Georgia, had made them before the adoption of the constitution, and that state had made a proposition to congress to that effect, which was under consideration at the time the constitution was adopted. The cession was completed after the adoption of the constitution. It was made on the same principle, and on similar conditions with those which had been already made by the other states. As differences might arise respecting the right or the policy in congress to admit new states into the union, under the new government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above recited clause in the constitution.

Thus the power of congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the territory became a state, the jurisdiction over it, as it had before existed, ceased. It extended afterwards only to the unsold lands, and as soon as the whole were

sold, it ceased in that sense, also, altogether. From that moment, the United States have no jurisdiction or power in the new states, other than in the old, nor can it be obtained except by an amendment of the constitution.

Since then it is manifest that the power granted to congress to dispose of, and make all needful regulations respecting, the territory and other property of the United States, relates solely to the territory and property which had been ceded by individual states, and which, after such cession, lay without their respective limits, and for which special provision was deemed necessary, the main powers of the constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new states and to dispose of the property and regulate the territory, is not among the enumerated powers granted to congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of congress, under which the right to adopt and execute a system of internal improvement is claimed, and the reasons in support of it, in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears, and is admitted, that much may be done in aid of such a system, by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest, that, as a system for the United States, it can never be carried into effect, under that grant, nor under all of them united, the great and essential power being deficient; consisting of a right to take up the subject on principle; to cause our union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws, with suitable penalties for their protection; and to raise a revenue from them; to keep them in repair, and make further improvement, by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

It need scarcely be remarked, that this power will operate, like many others now existing, without affecting the sovereignty of the states, except in the particular offices to be performed. The jurisdiction of the several states may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in congress. The right being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of congress to protect the works, by laws, imposing penalties, would operate on the same principle as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

In the preceding inquiry, little has been said of the advantages which would attend the exercise of such a power by the general government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow-

citizens to that effect. Still it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will, at least, show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

The advantages of such a system must depend upon the interests to be affected by it, and the extent to which they may be affected, and those must depend on the capacity of our country for improvement, and the means at its command applicable to that object.

I think that I may venture to affirm that there is no part of our globe, comprehending so many degrees of latitude on the main ocean, and so many degrees of longitude into the interior, that admits of such great improvement, and at so little expense. The Atlantic, on the one side, and the lakes, forming almost inland seas, on the other; separated by high mountains which rise in the valley of the St. Lawrence, and terminate in that of the Mississippi, traversing from north to south, almost the whole interior; with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline; the details are to be seen on the valuable maps of our country.

It appears, by the light already before the public, that it is practicable and easy to connect, by canals, the whole coast, from its southern to its northern extremity, in one continued inland navigation; and to connect, in like manner, in many parts, the western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the western country, by improving the navigation of many of the rivers, which have their sources near to each other in the mountains, on each side, and by good roads across the mountains, between the highest navigable points of those rivers. In addition to the example of the Cumberland road, already noticed, another of this kind is now in train, from the head waters of the river James to those of the *Kanawa*; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the eastern and western waters may be connected together directly, by canals. One great work of this kind is now in its progress, and far advanced in the state of New-York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with lake Champlain, and in the other, some of the most important of the western rivers with those emptying into the Gulf of Mexico; the advantage of which will be seen at the first glance, by an enlightened observer.

Great improvements may also be made by good roads, in proper directions, through the interior of the country. As these roads would be laid out on principle, on a full view of the country, its mountains, rivers, &c. it would be useless, if I had the knowledge, to go into detail respecting them.—Much has been done by some of the states, but yet much remains to be done with a view to the union.

Under the colonial governments, improvements of this kind were not thought of. There was, it is believed, not one canal, and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were

attended to, were those which led from the interior of each colony, to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from north to south at the commencement of the revolution; and that a very imperfect one. The existence and principle of our union point out the necessity of a very different policy.

The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market, would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many, and by no means the most important. Every power of the general government and of the state governments, connected with the strength and resources of the country, would be made more efficient for the purposes intended by them. In war, they would facilitate the transportation of men, ordnance, and provisions and munitions of war, of every kind, to every part of our extensive coast and interior, on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war, from the command of an interior navigation alone, along the coast, for all the purposes of war, as well as of commerce, between the different parts of our union. The impediments to all military operations, which proceeded from the want of such a navigation, and the reliance which was placed, notwithstanding those impediments, on such a commerce, cannot be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office department would be more easily, extensively, and rapidly, diffused.—Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens, on every portion of our soil, be better rewarded.

It is natural in so great a variety of climate, that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper, and manufactures succeed better, in one part than in another. That where the climate was most severe and the soil less productive, navigation, the fisheries, and commerce, should be most relied on. Hence, the motive for an exchange for mutual accommodation, and active intercourse, between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

There is another view in which these improvements are still of more vital importance. The effect which they would have on the bond of union itself, affords an inducement for them, more powerful than any which have been urged, or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our union is not held together by standing armies, or by any ties, other than the positive interests and powerful attractions of its parts

towards each other. Ambitious men may hereafter grow up among us, who may promise to themselves advancement from a change, and by practising upon the sectional interests, feelings and prejudices, endeavor, under various pretexts, to promote it. The history of the world is replete with examples of this kind; of military commanders and demagogues becoming usurpers and tyrants, and of their fellow-citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is, and who the people are, who are thus held together; but still it is proper to look at, and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision, than would be made by the proposed improvements. With their aid, and the intercourse which would grow out of them, the parts would soon become so compacted and bound together that nothing could break it.

The expansion of our union over a vast territory cannot operate unfavorably to the states individually. On the contrary, it is believed that the greater the expansion, within practicable limits, and it is not easy to say what are not so, the greater the advantage which the states individually will derive from it. With governments separate, vigorous and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown, that, in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone, that is, from their distance from each other. In every other way, the expansion of our system must operate favorably for every state, in proportion as it operates favorably for the union. It is in that sense only that it can become a question with the states, or rather with the people who compose them. As states, they can be affected by it only by their relation to each other through the general government, and by its effect on the operations of that government. Manifest it is, that to any extent to which the general government can sustain and execute its functions with complete effect, will the states, that is, the people who compose them, be benefited. It is only when the expansion shall be carried beyond the faculties of the general government, so as to enfeeble its operations, to the injury of the whole, that any of the parts can be injured. The tendency, in that stage, will be to dismemberment, and not to consolidation. This danger should, therefore, be looked at with profound attention, as one of a very serious character. I will remark here, that, as the operations of the national government are of a general nature, the states having complete power for internal and local purposes, the expansion may be carried to very great extent, and with perfect safety. It must be obvious to all, that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both governments, and the more perfect their security; and in all other respects, the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

To what extent it may be proper to expand our system of government, is a question which does not press for a decision, at this time. At the end of the revolutionary war, in 1783, we had, as we con-

tended and believed, a right to the free navigation of the Mississippi; but it was not until after the expiration of twelve years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred, in the bustling of a contentious world, when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the province of Louisiana, with the free navigation of the river, from its source to the ocean, and a liberal boundary on the western side. To this, Florida has since been added, so that we now possess all the territory in which the original states had any interest, or in which the existing states can be said, either in a national or local point of view, to be in any way interested. A range of states, on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further, will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of states beyond the Mississippi, or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so, on the present scale. The further we go, the greater will be the necessity for them.

It cannot be doubted, that improvements for great national purposes would be better made by the national government, than by the governments of the several states. Our experience, prior to the adoption of the constitution, demonstrated, that, in the exercise by the individual states of most of the powers granted to the United States, a contracted rivalry of interest, and misapprehended jealousy of each other, had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made, of their commerce with foreign nations, and with each other. It was this utter incapacity in the state governments, proceeding from these and other causes, to act as a nation, and to perform all the duties which the nation owed to itself, under any system which left the general government dependent on the states, which produced the transfer of these powers to the United States, by the establishment of the present constitution.—The reasoning which was applicable to the grant of any of the powers now vested in congress, is likewise so, at least to a certain extent, to that in question. It is natural that the states, individually, in making improvements, should look to their particular and local interests. The members composing their respective legislatures represent the people of each state, only, and might not feel themselves at liberty to look to objects, in these respects, beyond that limit. If the resources of the union were to be brought into operation under the direction of the state assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But congress would look to the whole, and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment, that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual states, who may also add such others as their own particular interests may require.

The situation of the Cumberland road requires the particular and early attention of congress. Be-

ing formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly, unless timely and effectual measures are adopted to prevent it.

The declivities from the mountains, and all the heights, must suffer from the frequent and heavy falls of water, and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls, and other works, committed by worthless people, either from a desire to render the road impassable, or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show, that an active and strict police ought to be established over the whole road, with power to make repairs when necessary; to establish turnpikes and tolls, as the means of raising money to make them; and to prosecute and punish those who commit waste and other injuries.

Should the United States be willing to abandon this road to the states through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the western states, and in a line with the seat of the national government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each state, and in a route not essentially connected with the commerce of either.

If it is thought proper to vest this power in the United States, the only mode in which it can be done, is, by an amendment of the constitution. The states, individually, cannot transfer the power to the United States, nor can the United States receive it. The constitution forms an equal and the sole relation between the general government and the several states; and it recognizes no change in it, which shall not, in like manner apply to all. If it is once admitted, that the general government may form compacts with individual states, not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the constitution, and of the most dangerous tendency. The states, through which this road passes, have given their sanction only to the route, and to the acquisition of the soil by the United States—a right very different from that of jurisdiction, which cannot be granted without an amendment to the constitution, and which need not be granted for the purposes of this system, except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several states for their adoption.

I have now essentially executed that part of the task, which I imposed on myself, of examining the right of congress to adopt and execute a system of internal improvement, and I presume have shown that it does not exist. It is, I think, equally manifest, that such a power vested in congress, and wisely executed, would have the happiest effect, on all the great interests of our union. It is, however, my opinion that the power should be confined to great national works only, since, if it were unlimited, it would be liable to abuse, and might be

productive of evil. For all minor improvements, the resources of the states individually, would be fully adequate, and by the states such improvements might be made with greater advantage than by the union; as they would understand better such as their more immediate and local interests required.

In the view above presented, I have thought it proper to trace the origin of our institutions, and particularly of the state and national governments, for, although they have a common origin, in the people, yet, as the point at issue turned on what were the powers granted to the one government, and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career, there are, obviously, three great epochs. The colonial state forms the first, the revolutionary movement, from its commencement to the adoption of the articles of confederation, the second, and the intervening space, from that event to the present day, the third. The first may be considered the infant state. It was the school of morality, of political science, and just principles. The equality of rights enjoyed by the people of every colony, under their original charters, forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities, that the power, when wrested from the crown, passed directly and exclusively to the people of each colony. The revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments, of our union, state and national. The third epoch comprises the administration under the articles of confederation, with the adoption of the constitution, and administration under it. On the first and last of these epochs, it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by an heroic exertion, from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much, I shall perform an office, which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

Of the revolutionary movement itself, sentiments too respectful, too exalted, cannot be entertained. It is impossible for any citizen, having a just idea of the dangers which we had to encounter, to read the record of our early proceedings, and to see the firmness with which they were met, and the wisdom and patriotism which were displayed in every stage, without being deeply affected by it. An attack on Massachusetts was considered an attack on every colony, and the people of each moved in her defence, as in their own cause. The meeting of the general congress in Philadelphia, on the 5th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter, at the same time. The first public act proposing it, according to the journals of the first congress, was passed by the house of representatives of Connecticut, on the third of June, of that year; but it is presumed that the first suggestion came from Massachusetts, the colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that congress made of grievances, in the petition to the king, in the address to the

people of Great Britain, and in that to the people of the several colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty; of our rights, founded on that constitution, and on the charters of the several colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds, that the talent on this side of the Atlantic, was at least equal to that on the other. The spirit in which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country, and were desirous of preserving it on just principles, they nevertheless, stood embodied at the parting line, ready to separate forever, if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and, in consequence, war and dismemberment followed.

The powers granted to the delegates of each colony who composed the first congress, looked primarily to the support of rights, and to a redress of grievances, and in consequence to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes, and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the second congress, which took place on the 10th May, 1775, when full proof was laid before it, of the commencement of hostilities in the preceding month, by a deliberate attack of the British troops, on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the king, and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops, and the pressure of war in every direction, soon dispelled all hope of accommodation.

On the 15th of June, 1775, a commander in chief of all the forces raised, and to be raised, for the defence of American liberty, was appointed by the unanimous vote of congress, and his conduct in the discharge of the duties of that high trust, which he held through the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness, under the severest trials; for respect to the civil authority, and devotion to the rights and liberties of his country, of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me, which time can never efface. A lieutenant then in the third Virginia regiment, I happened to be on the rear guard at New-ark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest, and composed, I have never seen in any other person.

On the 6th July, 1775, congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the army and raising a navy; for organizing the militia, and providing cannon, and small arms, and military stores of every kind; for raising a revenue, and pushing the war

offensively, with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to join the union, and a force sent into the province to favor the revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism, of that portion of the British empire; and a suitable acknowledgment was made to the assembly of Jamaica, for the approbation it had expressed of our cause, and the part it had taken in support of it with the British government.

On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to congress "that they labored under difficulties for the want of a regular form of government, and requested to be favored with 'explicit advice respecting the taking up and exercising the powers of civil government,' and declaring their readiness 'to submit to such a general plan as the congress might direct for the colonies, or that they would make it their great study to establish such a form of government there, as should not only promote their own advantage, but the union and interest of all America.'" To this application an answer was given on the 9th, by which it was recommended to the convention, "to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councillors, and that said assembly or council should exercise the powers of government, until a governor of his majesty's appointment will consent to govern the colony according to its charter."

On the 18th October of the same year, the delegates from New Hampshire laid before congress an instruction from their convention "to use their utmost endeavors to obtain the advice and direction of congress, with respect to a method for administering justice and regulating their civil police." To this a reply was given on the 3d November, by which it was recommended to the convention "to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as, in their judgment, would best promote the happiness of the people, and most effectually secure peace and good order in the province, during the continuance of the present dispute between Great Britain and the colonies."

On the 4th November it was resolved by congress, "that if the convention of South Carolina shall find it necessary to establish a form of government in that colony, it be recommended to that convention to call a full and free representation of the people, and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people, and most effectually secure peace and good order in the colony, during the continuance of the present dispute between Great Britain and the colonies."

On the 4th December following, a resolution passed, recommending the same measure, and precisely in the same words, to the convention of Virginia.

On the 10th May, 1776, "it was recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs had been established,

to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

On the 7th June, resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution, or main question, until the 1st July, but that no time might be lost in case the congress agree thereto, that a committee be appointed to prepare a declaration to the effect of that resolution.

On the 11th June, 1776, congress appointed a committee to prepare and digest a plan of confederation for the colonies. On the 12th July the committee reported a draught of articles, which were severally afterwards debated and amended, until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several states, with a request, that, if approved by them, they would authorize their delegates to ratify the same in congress, and which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last state, and carried into effect.

On the 4th July, 1776, independence was declared, by an act which arrested the attention of the civilized world, and will bear the test of time. For force and condensation of matter, strength of reasoning, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It looked to every thing, and with a reach, perspicuity, and energy of mind, which seemed to be master of every thing.

Thus it appears, in addition to the very important charge of managing the war, that congress had under consideration at the same time, the declaration of independence, the adoption of a confederation for the states, and the propriety of instituting state governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the colonies.—So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

The distinguishing characteristic of this movement, is, that, although the connection which had existed between the people of the several colonies, before their dismemberment from the parent country, was not only not dissolved but increased by that event, even before the adoption of the articles of confederation, yet the preservation and augmentation of that tie were the result of a new creation, and proceeded altogether from the people of each colony, into whose hands the whole power passed, exclusively, when wrested from the crown. To the same cause the greater change which has since occurred, by the adoption of the constitution, is to be traced.

The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow-citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanted.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

¶ The present number, as to the quantity of papers to be delivered, completes the editorial year—but as the period of time has not expired, we shall resort to the means pursued on a former occasion, and publish a gratuitous half sheet on Saturday next, so that the first number of the new volume may appear in September, as usual.

Subscribers are respectfully reminded, that a supplement for the present volume is in the press and will soon be published. It is a valuable collection of matter; and gentlemen desiring it, will please add one dollar for it to the amount of their regular subscription money, which, we hope, every one designs to send on very speedily in advance, (being seriously assured that it is much needed), as well as a discharge of arrearages in cases where they exist.

The title page and table of contents of the volume will be forwarded, as customary, to all entitled to receive it.

¶ Our friends in the army, and others interested in a matter that has excited no little attention, will find that we have nearly given up this number to an insertion of the proceedings that took place in the senate, at its last session, in regard to certain military appointments. Some of our readers may not feel much concern on this subject; but the matter is of such a nature as to demand a registry of it, for general instruction and reference.

YELLOW FEVER. On the 16th instant, the board of health at Philadelphia prohibited all intercourse with the city of New York. Though the fever has not yet made much progress in the latter, and all the cases that have occurred are traceable to the infected district, there was much alarm on account of it—so as to speak of a removal of the custom-house establishment; which does appear to have been necessary as yet.

THE MACEDONIAN. Several deaths of the crew of this frigate have occurred since our last; and Dr. Kissam, of the brig Spark, who was called upon to attend the sick on board of her, has taken the disease and died. But the disorder now appears to be checked.

It is positively asserted that this vessel was completely over-hauled and cleaned out after returning from the Pacific—that, aware of danger on the intended cruise, every stick of wood taken on board for fuel was deprived of its bark, to avoid, as much as possible, the decay of vegetable matter, &c.

REVENUE. The amount of duties secured at the custom house in New-York, for the first 6 months of the present year, is said to be \$5,224,815. This is nearly equal to the whole gross revenue collected there during the year 1821. The importations were excessive in February and March last, and the effect is now appearing in that city. In the amount given, there is no allowance for drawbacks.

THE NAVY. The Washington Gazette says that fifty-two navy officers have died or resigned since the 1st of January last. This, surely, is a large number out of so small a corps—yet we apprehend

that the proportion of incapable and inefficient persons therein has been reduced but little: we mean the *drones* of whom we have heretofore spoken; there are too many of them.

MESSRS. RUSSELL AND HUNT. An arrangement has been made between the counsel for these gentlemen, by which the latter may take depositions in England and France, to support his charges against the former.

REVOLUTIONARY GENERALS. It has been denied that *La Fayette* is the only surviving general of the American revolutionary army, and the venerable *Rufus Putnam*, of Ohio, is named as another. It appears, however, that this gallant patriot was only a colonel during the war, but received the grade of brigadier general, *by brevet*, in consequence of a resolve of congress in Sept. 1783, affecting all officers who held the same rank in 1783 which they held in 1777.

MR. RANDOLPH—again! In the London Times, we find an account of the "British Foreign Philanthropic Society," for the permanent relief of the laboring classes. Among the vice presidents are one duke, two earls, six counts and viscounts, six lords and barons, and John Randolph, esq. Virginia, U. S.

CAPT. SYMMES is still zealous to enter into the earth at the north, and has drafted and published a new memorial to congress, which he desires may be generally signed by the people of the United States, praying that two vessels, well found for the purpose, may be sent out on a voyage of discovery.

MARBLEHEAD. This town has long been famous for the courage, perseverance, enterprize and patriotism of its inhabitants. In what is called the "French war," they performed a very important part, and in the revolutionary contest, their services were invaluable, their sufferings great—at the close of it, there were 458 widows, 364 fatherless boys and 502 fatherless girls in this small place, whose aggregate population was not probably more than 4,000, if so great a number at the time. In the late war, it furnished 1,400 men for the public service, chiefly "tight lads of the ocean," inferior to none that ever "cracked a biscuit." Hence they were peculiar favorites of the enemy, and, when the gates of infamous Dartmoor prison were opened, it was found that five hundred of the nobly brave and severely persecuted fellows hailed from Marblehead!

RESTRICTIVE SYSTEM. In a late debate in the French chamber of deputies, Mr. Laine, speaking on the project of a law for the regulation of the customs, quoted the example of England, in justification of severe commercial restrictions; and "the system of prohibition," he said, "to which the continental blockade had given an immense application during the war, had been continued and even extended since the peace. After having been directed at first against England, and then against France, it had been put in practice by all states

against each other. England, now imitated every where, had first adopted the system, and it was not, therefore, very remarkable that, finding it enforced against her, she should be inclined to change her practice. She had derived from prohibitions all the advantages that she could hope for; she had accumulated immense capitals; her industry had been so much developed, that she was obliged to seek for a large outlet, and, perhaps, on this account, she had come to the point of saying, 'now we will receive you, only receive us!'"

DUELING. The Natchez Gazette gives the following calculation of a certain infamous gambler, who frequently was kicked and cuffed and pulled by the nose, and yet had fought a duel—

"If I am challenged,

10 to 1 We do not meet—if we meet,

10 to 1 No fight—if a fight,

10 to 1 I am missed—if hit,

10 to 1 I am not killed—40 to 1.

What sportsman would refuse such odds?"

THE ALBION. A newspaper, having this title, has been established in New-York, to "fan the embers" and stir up the zeal of the "British party in America," which begins to flag considerably from the progress of domestic industry and an increased habit in the people of verily believing that—the moon which lights the United States is about as big as that which lights England—a notion very offensive to British modesty; and when we proclaim the fact, that—

"In America are pools
"In which we might *sousc* Britain's island whole,"

they open their eyes and ask if the Americans have tails? appealing to a host of travellers to shew that we are an "outlandish" people; as, indeed, every people is considered to be if not purely English, and subject to the "illustrious house of Brunswick"—imported to govern the nation, because no native born Englishman was so wise as George I.

The editor of this paper—whether the British consul himself, or a mere journeyman politician, or a person who has resorted hither to make a living in our country which his own denied him, has rudely assailed me for a little paragraph reflecting on "his majesty," and says it is not true that a certain marquis lately deceased kicked the said majesty down stairs, &c. It is possible that I may have mistaken the name of the person who thus chastised him for his infamous doings, but I well recollect to have seen it frequently stated that he was so treated by some "grand titulary," and, that he richly deserved such treatment on many occasions, no one who pretends to decency or has any regard for public morals, will pretend to deny. But, with the editor of this royal paper, ornamented at its head with the *British arms*, and openly supporting "*his majesty's*" ministers in their projects, I shall not have a controversy. *Englishmen* may support it, if they please; but what would Englishmen think if such an establishment were made in London by an American?—to display our eagle, and assert that the 18-pound shot of the Guerriere were not worm-eaten—declare that a market for human scalps was maintained in Canada, and assert the fact, that Great Britain, so tender about black slaves from Africa, supports the barbarians in selling *Greek Christians* as such—persons highly accomplished, respectable and good?

TENNESSEE. Presidential nomination. On the 20th ult. it was moved that the house of representatives

should have a recess, and an adjournment took place, the speaker and the members keeping their seats; when the following preamble and resolution were submitted, and carried *unani. con.*

"The members of the general assembly of the state of Tennessee, taking into view the great importance of the selection of a suitable person to fill the presidential chair at the approaching election for the chief magistracy of the United States, and seeing that those who achieved our independence, and laid the foundations of the American republic, have nearly passed away; and believing that moral worth, political acquirements and decision of character, should unite in the individual who may be called to preside over the people of the United States, have turned their eyes to *Andrew Jackson*, late major general in the armies of the United States.

In him they behold the soldier, the statesman, and the honest man; he deliberates, he decides, and he acts; he is calm in deliberation, cautious in decision, efficient in action. Such a man we are willing to aid in electing to the highest office in the gift of a free people. The welfare of a country may be safely entrusted to the hands of him who has experienced every privation, and encountered every danger, to promote its safety, its honor, and its glory: Therefore,

Resolved, As the opinion of the members composing the general assembly of the state of Tennessee, that the name of major general *ANDREW JACKSON* be submitted to the consideration of the people of the United States, at the approaching election for the chief magistracy."

HIGH LIFE IN ENGLAND. Mr. Wellesley Pole, a little while since, was married to a Miss Tynley Long, the daughter of some one of the leeches that draw the blood out of the English people. She had a vast amount in ready money, &c. besides an income of 60,000*l.* or more than 260,000 dollars per annum. A detailed account of the wedding, and particulars of the dresses of the parties that attended it, was published, and filled several columns in the London newspapers. Every thing was got up in the highest stile of magnificence, and their houses furnished in the richest manner. The whole of this man's effects being now to be sold, "*Wanstead House*," his late residence, is exposed to the public gaze and visited by thousands. A London paper says—"The furniture is of surprising magnificence. When we state that the carpets and hangings alone have cost sixty thousand pounds within the last ten years, we do not exaggerate. The family arms of Tynley and Wellesley are embroidered on all the carpets, the material of which is silk. The walls, as well as the windows, are hung with the richest Genoa velvet, with three borders of real gold lace, at three guineas and a half per yard. These specimens alone may give an idea of the luxury (more than oriental) which pervades the whole."

By gaming and other extravagancies of himself and his wife, he has been obliged to fly to France, where he lives with her on her jointure, which is 7,000*l.* a year. "His debts are said to amount to near half a million—the poor carrier of the village has his claims for 130*l.*; a fishmonger 400*l.*; one butcher 600*l.*; in fact he is indebted to all classes."

CHURCH ESTABLISHMENTS. It has been stated in parliament, and not denied, that (from the return made to the house of commons of the state of the church establishment in *Ireland*), there were 1,270 benefices, 2,232 parishes, 1,142 churches—192 be

nefices with *resident* clergy, 773 incumbents, and 507 *non-residents*! It was added that the bishops and other great dignitaries were sometimes *absent* from the country for 15 or 20 years together, never seeing any of their "flocks," though the FLEECE produced them from 15 to 20,000 pounds each *per annum*. The bishop of Derry had resided about 20 years in France, without once placing his foot on Irish land—doing the whole work by *journeymen* priests, proctors, &c. That "the revenues of the archbishop of Armagh amounted to 15,000*l.* a year; but it appeared by the statement of Mr. Wakefield, that the rates and rents of the archbishoprick might be made to amount to 140 or 150,000*l.* a year; that immense revenue was in the hands of the bishop, and would descend to his successors, the junior branches of the leading families. *The revenue arising from the sees alone, would, if properly managed, be more than sufficient to support the established church, and to pay the Catholic clergy beside!*" The speaker, (Mr. Hume), said "that a state which could not exist without a church, ought not to exist. In France, tithes were abolished, and the clergy paid by the state. Their archbishops had 800*l.* the bishops 600*l.* a year." But, after debate, the motion to produce reform in such *shearing of the flock and consumption of its vitals*, was negatived, by a religious majority.

When facts like these are exhibited to us, and when we recollect that such a small part of the population of Ireland is even of the religious profession which thus grinds the *whole* people of the country, who is there that would not excuse, if they could not justify, any act that might by them be committed, to relieve themselves of such an imposition and oppression? The sending of such prelates and priests to be chained to the oar of a galley for life, would be a mild punishment for their crimes against religion and right.

CHURCH LIVING AT AUCTION! The N. Y. "American" says—In one of our last English papers we notice among other property disposed of at public sale, that a congregation of the established church was knocked down to the highest bidder for £2,350 sterling, or, in the words of the advertisement, that sum was given for "the next presentation to a vicarage with an income of £600 per ann. the present incumbent being 59 years of age." We can imagine that an inexperienced auctioneer would find some difficulty in putting up such an article. A lot of human souls would puzzle a man accustomed only to deal in bale goods, and he might find himself embarrassed for language to tempt the reverend speculators to offer an adequate price for the singular commodity in market. A simple and inexperienced republican could only say, "How much is offered, reverend traders in souls, for this parcel of church-going tythe-paying parishoners?—£2,000—what, no more for this profitable congregation?—Why, gentlemen, it is not half the value—350 more; dog cheap still. What, only £2,350 for the power to save or damn so many honest Christians. Is no more bid? Going—going—gone." In our uncivilized country this would be rather shocking, but in England it is quite the reverse. The salvation of half the kingdom is regularly in market, and Christian congregations are bought and sold as we dispose of hardware or piece goods, and yet these traffickers in what is most holy and important in this world and the next, think that they are entitled to revile us because we sell the labor of blacks. Such is the force of names and power of prejudice.

BUFFALO. A writer in the "Detroit Gazette," speaking of the vast commerce on the great lakes, about to commence by the opening of the Erie canal, observes—"We cannot feel it is a visionary prediction to say that Buffalo is destined, in the short space of twenty-five years, to be the third or fourth city, in point of magnitude, business and wealth, of which the state of New-York will then boast." The writer then suggests to the people of that village "the propriety of giving their important localities a better and more appropriate name."

MACHINERY. A Liverpool paper of July 2d, says—"It is now calculated that about 240,000 hands or persons, chiefly children, are employed in the spinning of cotton thread, technically termed twist. These make, it is said, as much thread, by the power of water or steam, and the application of the new improved machinery, as could have been done formerly by 28,000,000 persons by the fingers only."

It is this great acquisition of scientific power that has established the cotton manufacture in the United States, and will build up other branches of business not less interesting. For, though labor may be a little higher with us than it is in England, and the people may not be disposed to labor so many hours in a day as they do in that country, when this addition of wages or loss of labor is reduced to the extra cost of a yard of cotton cloth, it amounts only to a fraction, not equal to the extra cost of transportation, &c.

CHARCOAL—A correspondent states that the medicinal qualities of pulverised charcoal, are daily developing themselves. In addition to its value in *bilious* disorders, two ounces of the charcoal boiled in a pint of fresh milk, may be taken in doses of a wine glass full, by adults, every two hours, in the most obstinate *dysentery*, until relief is imparted, which has not failed to be the effect in almost every instance. It is harmless and the experiment may be safely tried. Charcoal made from maple wood, is the purest that can be readily obtained. *Morn. Chron.*

OIL. A London paper says, that a discovery has recently been made in Denmark for purifying common fish oil, and rendering it equal to the best sperm, by means of animal charcoal, which is made in a peculiar manner from beef bones which have been boiled. The charcoal is mixed with the oil, and repeatedly agitated for two months; after which it is filtered with twelve strata of similar charcoal, used as soon as made. The quantity of gas evolved by the bones in the operation is considerable, and is used for lighting the manufactory and adjacent buildings: the residuum mixed with clay for fuel. The loss is estimated at 15 per cent. and the gain is equal to 40 per cent. leaving 25 per cent. in favor of the discovery.

FOREIGN NEWS.

From London papers to July 12.

Great Britain and Ireland. There was a small comparative deficiency in the revenue for the last quarter of about 35,000*l.* sterling. The estimated expenses of the year, however, were 51,119,000*l.* and the income for the same period 54,252,000*l.* leaving a surplus of 3,133,000*l.*

The duke of York, it is said, has made over his estate at Oatlands, with all the growing crops, &c. to trustees, for the payment of his debts.

The details of the distresses in Ireland make the heart sick.—150,000 persons were in "actual want" in the county of Cork—a man and his wife and nine children had starved together in Clare! when the wretched people get meal or potatoes they devour them raw!—155,000 starving persons in the county of Mayo, &c.

The military officers on half-pay amount to ten thousand. A large ship of 50 guns, "built exactly on the model of the American frigates," was soon to be launched at Woolwich.

It is becoming common at Liverpool to tow out ships by steam boats, when the wind is adverse.

Most of the ships of the navy, lying at Portsmouth, are thoroughly affected with the *dry rot*. The present salaries of the officers at this yard amount to 40,000*l.* a year!

From the 25th of June to the 4th of July, one hundred and seventy-eight vessels entered at the port of Liverpool, fifty-four of which were from the United States.

The import of foreign wool during the year 1821 was 15,672,746*lbs.*—and the export of woollen goods valued at 7,395,185*l.* The notes of the bank of England in circulation, amounted to 16,400,450*l.* The East India company has made a large purchase of copper at 91*l.* per ton. The corn importation bill has passed. The funds remain steady—very little doing in them. There is a prospect of heavy crops of grain, &c.

Mr. Mainwaring, a magistrate of the city, not long ago asserted in print that there were upwards of five thousand persons in London, who could murder a man with only a remote prospect of gaining a shilling.

The London papers mention that a certain Miss B—t—l—zi [the daughter of a late famous engraver] has been brought to Bow street, charged with robbing her mother! It appeared that this young lady aged about fifteen, had been *sold* by her mother to a lord P—; one of the "Corinthian pillars" of British society, that she disapproved of the bargain and fled for security from her mother's house, with only her own clothes, &c. She was discharged, and given to the care of a female friend.

A London paper of July 9, says—We received the Paris papers of Saturday, last night, by express. The *Journal des Debats* contains an article dated Ancona, June 20, eulogising the humanity and liberality of the pope with respect to the refugees from Scio. "This conduct," it is said "is undoubtedly the contrary of that of the agents of the British government, who close all the ports of the Ionian Islands against the Greeks, and constrain the refugees to abandon them."

Surely—England is the "bulwark of our religion!!!"

Another British lord!—Deacon Charles McKenzie, of Rutland, Vermont, is said to be likely to become lord Monro, of Ross-shire in Scotland: so a yankee farmer may be a "Corinthian pillar" in Great Britain, and probably have more practical good sense than the half of his noble associates. This thing has happened by the decease of the lineal descendants of the family who preceded Mr. McKenzie.

House of commons July 7. Sir James Macintosh wished to ask the noble marquis opposite, these questions: 1st. Had his majesty's government any received authentic copy of the ukase issued by the emperor of Russia, in which he claimed to himself dominion over the northwest coast of America, and the north-east coast of Asia? And, secondly, if they had, whether they had taken any measures to

protect British navigation from such extravagant and preposterous pretensions?

The marquis of Londonderry replied to the questions, but in a very low tone of voice. We understood him to say, that he had received a copy of the ukase soon after it was issued. As soon as his majesty's government had received it, they lost no time before they sent a note to the Russian ambassador in this country, declaring that they could not accede either to the claim of sovereignty or the principle of maritime law laid down in it. (Hear, hear). At the same time they offered to enter into an amicable negotiation on the subject, to prevent any misunderstanding arising between the subjects of the two powers.

British navy, 1822. The following from a Liverpool paper, is given as drawn up from the quarterly list.

10 of 120 guns,	1,200	31 of 42 guns,	1,302
1 of 112 —	112	2 of 38 —	76
3 of 110 —	330	3 of 36 —	108
1 of 108 —	108	2 of 34 —	68
2 of 106 —	212	2 of 30 —	60
5 of 104 —	520	20 of 28 —	560
4 of 98 —	392	13 of 26 —	338
1 of 86 —	86	6 of 24 —	144
7 of 84 —	588	4 of 22 —	88
1 of 82 —	82	16 of 20 —	320
13 of 80 —	1,040	64 of 18 —	1,152
7 of 78 —	546	6 of 16 —	96
3 of 76 —	228	5 of 14 —	70
86 of 74 —	6,316	20 of 12 —	240
7 of 64 —	448	62 of 10 —	620
11 of 60 —	660	1 of 9 —	9
5 of 58 —	290	2 of 8 —	16
1 of 56 —	56	5 of 6 —	30
3 of 50 —	400	2 of 4 —	8
2 of 48 —	96		
67 of 46 —	3,082	515 vessels.	Guns 22,321
4 of 44 —	176		

France. A captain Valle has been executed at Toulon, for a conspiracy against government. The *Moniteur* gives a very lame account of an attempt made by a colonel Caron to seduce certain bodies of troops, who appear to have followed the cry of *vive l'empereur*. It is stated that he was arrested—but all that the French press is permitted to say only assures us, that a widely extended revolutionary spirit prevails. Private letters say that the government is much alarmed with the fear of a junction of sentiment between the army and the people.

Spain. The revenue is deficient in the sum of about seven and a half millions of dollars, and a loan has been authorized. The king delivered an address on the separation of the cortes. The latter, in their answer, remarked, that agriculture being almost annihilated, industry disheartened and trade paralyzed, it was necessary to pare down the public expenditures with the most severe economy.

France and Spain. A letter from Paris, dated July 3, is published in the London papers—it contains the following singular paragraph: "Hostilities with Spain are not expected before the end of this or the course of the next month. The plan against that country is in part defeated. It embraced a project to get Ferdinand out of the country, which he was to re-enter at the head of a foreign army. Most of the powers were more or less implicated in this project."

It is said that a cruiser of 18 guns, fitted out at Bordeaux, has made some prizes of Spanish vessels off Santander.

Germany. Thirty seven ships from Hamburg and other German ports have participated in the Greek

land fishery this season, and taken more than 70,000 seals.

Rome. Translation of the extract of a rescript addressed by his holiness, Pius VII, to the vicars apostolic of Great Britain.

"Vicars apostolic laboring in the vineyard of our lord! Direct all your zeal and attention to this—that all the faithful, whom we have committed to your pastoral care, love one another in charity, sincerity and truth; that in the general agitation they show themselves an example of good works; that they obey the king, and be so dutiful and faithful to him, that our adversaries may fear (not having it in their power) to speak ill of us; that they abstain from reading vicious books, by which, in these most calamitous times, our holy religion is in all directions assailed—that, by reading pious books, and above all the holy scripture, in the editions approved by the church, they conform in faith and good works, to you, as their pattern in precept and practice. While we trust, from your fidelity and proved veneration for us, that this duty shall be duly performed, we impart to you the apostolic benediction. Given at Rome, at the college of holy Mary the greater, on the 18th April. Year of grace, 1820; of our pontificate, 21."

Turkey. A vessel arrived at Boston from Smyrna, off Scio, was boarded from a Greek sloop of war, in company with fifty-two sail of armed vessels, and treated politely. The Turkish fleet then in sight, lying in Scio Roads. It is stated that the Turks intend to make descents on other Greek islands, and serve the people as they served those of Scio—but it is hoped that the patriot fleet will be able to defeat such a legitimate design.

A hard fought battle is reported between the Suliots and the Turks, in which the latter were defeated with great loss in killed and 600 prisoners; among the latter were 50 eminent Turks, whose ransom had been fixed at 500 purses each.

Advices from Bucharest, dated June 8, (says a London paper), have been received. They state that, not only has the retrograde march of the Turkish troops been stayed, but that the Rajah Pacha has caused to be proclaimed in all public places, that Wallachia should continue to be occupied by an armed force. The garrisons consisted of 4,000 men.

We expect a declaration, says a Vienna paper of June 22, from the emperor of Russia, by which he will entirely detach himself from the Greek cause. It is also expected that those diplomatic Russian characters, who have been so strenuous in behalf of the Greeks, will be put out of employ.

West Indies. A West India planter, writing to the editor of the London Courier, states, that the amount of produce of his estate at Montego Bay, Jamaica, was, last year, 160 hogsheads of sugar and 123 puncheons of rum. The sugar sold at Glasgow for 6,524l. 12s. 11d. from which 4,251l. 11s. 8d. had to be deducted, for duties and other charges. The sum neated him 615l. The total neat proceeds of his crop was 2,888l. 1s. 3d. and the total expense of the plantation 2,808l. giving him eighty pounds one shilling and three pence, for his labor and the interest on a capital which cost him thirty five thousand pounds sterling! It is this state of things which has produced the recent modification of the British trade and navigation laws.

Brazil remains unsettled, but the probability is that events will bring about a total separation from the mother country. A body of Portuguese troops at Bahia, were about to be attacked by the revolutionists.

Colombia. Coro is evacuated by the royalists, who have arrived at Curacao. It is thought that they design to make a descent on some of the coast, having as yet the command of the sea. The siege of Porto Cavello is raised, on account of the sickness that prevailed among the troops—a corps of observation only remains, but the attack on the place will be resumed in a more healthy season. Two new brigs of war, purchased in Europe, have arrived to aid the naval operations of the republic, and Mr. Zea has obtained a ship of 28, and a brig of 18 guns, whose arrival was speedily expected. With this force collected, the royalists will be driven from the sea.

Bolivar has entered Quito, at the head of a powerful army, after a bloody battle. A great public library has been formed, or is forming, in the city of Bagota.

CHRONICLE.

The U. S. corvette *John Adams* has sailed from Norfolk, bound to some port of Colombia, carrying out Chas. S. Todd, esq. agent of the United States to the new republic.

The U. S. brig *Spark* has also sailed from the same port, on a cruise in the West Indies.

The U. S. ship *Hornet* arrived at Norfolk some days since—crew generally healthy; 11 only being on the doctor's list. But one death occurred during her whole cruise in the West Indies. She re-captured a French slave brig, and carried her into Havana, where captain Henley released her on receiving about 10,000 dollars as salvage—17,000 dollars had been previously offered to the pirates who took her, and was refused by them. The reason assigned for this proceeding is, that, if the brig had been sent to the United States for adjudication, many lives must have been sacrificed from the number of slaves on board. We are truly glad that they were not sent here—though we cannot comprehend the right of the matter as stated, not liking the traffic.

Mr. Clay has been elected to congress without opposition.

Louisiana will be represented in the next congress by Edward Livingston, H. L. Gurley, and William L. Brent—the latter was the successful opponent of the present member from that state.

Robt. Farrier recently died at Philadelphia, aged one hundred and two years.

Young widow. A person lately married a young lady of Baltimore county, and died four days afterwards, leaving a widow no more than thirteen years old.

Raja Torpedo. A fish of this class was lately taken near Boston. It had a singular appearance and was stationary in the water—a person attempting to seize it, received so severe an electric shock, that he supposed some person had struck him. It so happened a second time, but he succeeded in securing the curious animal and carried it to the city, where it lived about 12 hours, and convinced many of its extraordinary powers. The Boston papers give a cut of it.

Munificence. President Adams has recently given in immediate possession to his native town, Quincy, nearly two hundred acres of land, containing in a part of it an inexhaustible quarry of stone for building houses, the whole proceeds to be appropriated to religious and literary purposes from generation to generation. He has also given to the town his whole library, consisting of highly valuable books, in various languages.

Red Jacket, and the chiefs of the Six nations, have earnestly requested the *Friends*, (or Quakers), to use their influence to free them from the missionaries now on the borders of their country—he said that the whites, who instituted and attended meetings among them, stole their horses, drove off their cattle, and taxed their lands!

Florida! The Pensacola Floridian states, that there is not a minister of the gospel within the province of Florida.

H. M. Brackenridge, esq. has received the appointment of judge for West Florida, to the great satisfaction of the people thereof.

Drought. The want of rain for 6 or 7 weeks past, has, in many cases, totally destroyed the growing crops of corn in certain parts of Maryland and Pennsylvania. Some of the grass fields appear as if fire had passed over them.

The *Arkansas* river is said to be navigable for the usual sized steam boats of the western waters, the distance of 1000 miles from the Mississippi! It has been ascended by one of them several times, more than 500. The U. S. troops at Fort Smith, on this river, are remarkably healthy.

Wool. From the 1st of Jan. to the 30th June, in the present year, 197,904 lbs of wool were received at Boston from foreign ports. Country "wool" has a price there of from 32 to 60 cents *per lb.*

Provisions. A letter from a gentleman at Pittsburgh, dated July 18, 1822, says marketing is very low and in great abundance here: Flour is \$3 per barrel, (all last summer and spring it was at \$2); butter, from 6½ to 8 cents per pound; eggs, from 4 to 6 cents per dozen; fowls, from 9 to 12½ cents per pair, and every thing else in proportion." A family in Winchester, Va. of six persons, lately made a dinner on the following articles, which cost as stated—4 lbs of meat, 12 cents; squashes, 3; 8 roast ears, 2; potatoes (say) 3; bread, 5. Total 25 cts.

Isin glass. Mr. William Hall, formerly of Boston, now of Cape Ann, advertises that he has succeeded in bringing to perfection the manufacture of isin-glass, from fish caught on our own shores, even superior to what has been made and imported from Russia, and has obtained therefor from the president of the United his letters patent. He has established a manufactory at Cape Ann, and appointed Mr. Joseph Hastings, of Boston, and Mr. George Barrell, of New York, sole agents for vending the same. The advertisement is accompanied with his certificates from Messrs. Gardner and Sowdon, brewers, of Boston, and a distinguished confectioner, who have tried Mr. Hall's manufacture, and pronounce it far superior to any foreign isin glass.

Philadelphia, August 20. A company of German emigrants, eighty-four in number, passed through this city on Sunday morning on their way to Ohio. We are informed that they profess the Jewish faith, but what is most remarkable is, they all make up one family, consisting of grandfathers, grandmothers, sons, daughters, sons in law, daughters in law, grandchildren, &c. all connected. They appear to be rich for settlers, having brought with them from Germany, waggons, harness, and various kinds of goods, wares, and merchandise, sufficient to fill ten baggage waggons. In two of the waggons, it must however be observed, they found room to deposite the children. The men and women trudged on foot. The long beards, broad rimmed hats, small clothes, and short coats of the former, with the drugged bed gowns and red under dress of the latter, gave the whole groupe a singularity of aspect, such as was well calculated to arrest the attention of the passing traveller.—*Union.*

Charleston, April 12. A young man in the vicinity of Hancocksville, Union district, in this state, a few days since, while at work on his plantation, dug up a pot containing *several thousand dollars in silver and gold!* This treasure must have been buried there many years ago. No person in the neighborhood has any knowledge of it. It probably was deposited during the revolutionary war, and its owner might have fallen a martyr in that struggle before he disclosed the deposite.

Executive Proceedings.

IN SENATE OF THE UNITED STATES, APRIL 30, 1822.

Ordered, That the injunction of secrecy be removed from the following proceedings and documents, and that they be printed:

MONDAY, JANUARY 21, 1822.

The following written message was received from the president of the United States, by Mr. Gouverneur, his secretary:

To the senate of the United States:

I nominate the persons whose names are stated in the enclosed letter from the secretary of war, for the appointments therein respectively proposed for them.

The changes in the army, growing out of the act of the 2d of March, 1821, "To reduce and fix the military peace establishment of the United States," are exhibited in the official register for the year 1822, herewith submitted for the information of the senate.

Under the late organization of the artillery arm, with the exception of the colonel of the regiment of light artillery, there were no grades higher than lieutenant colonel recognized. Three of the four colonels of artillery, provided for by the act of congress of the second of March, 1821, were considered, therefore, as original vacancies, to be filled as the good of the service might dictate, from the army corps.

The pay department being considered as a part of the military establishment, and within the meaning of the above recited act constituting one of the corps of the army, the then paymaster general was appointed colonel of one of the regiments. A contrary construction, which would have limited the corps specified in the 12th section of the act to the line of the army, would equally have excluded all the other branches of the staff, as well as that of the pay department, which was expressly comprehended among those to be reduced. Such a construction did not seem to be authorized by the act, since, by its general terms, it was inferred to have been intended to give a power of sufficient extent to make the reduction, by which so many were to be disbanded, operate with as little inconvenience as possible to the parties. Acting on these views, and on the recommendation of the board of general officers, who were called in, on account of their knowledge and experience, to aid the executive in so delicate a service, I thought it proper to appoint colonel Towson to one of the new regiments of artillery, it being a corps in which he had eminently distinguished himself, and acquired great knowledge and experience in the late war.

In reconciling conflicting claims, provision for four officers of distinction could only be made, in grades inferior to those which they formerly held. Their names are submitted, with the nomination for the brevet rank of the grades from which they were severally reduced.

It is proper, also, to observe, that, as it was found difficult, in executing the act, to retain each officer

in the corps to which he belonged, the power of transferring officers from one corps to another was reserved in the general orders published in the register, till the first day of January last, in order that, upon vacancies occurring, those who had been put out of their proper corps might, as far as possible, be restored to it. Under this reservation, and in conformity to the power vested in the executive by the 1st section of the 75th article of the general regulations of the army, approved by congress at the last session, on the resignation of lieutenant col Mitchell, of the corps of artillery, lieutenant colonel Lindsay, who had belonged to this corps before the late reduction, was transferred back to it, in the same grade. As an additional motive to the transfer, it had the effect of preventing lieutenant colonel Taylor and major Woolley, being reduced to lower grades than those which they held before the reduction, and capt. Cobb from being disbanded under the act. These circumstances were considered as constituting an extraordinary case, within the meaning of the section already referred to, of the regulations of the army. It is, however, submitted to the senate whether this is a case requiring their confirmation, and, in case such should be their opinion, it is submitted to them for their constitutional confirmation. JAMES MONROE.

Washington, January 17th, 1822.

War department, January 2, 1822.

Sir: I have the honor to lay before you a list of promotions and appointments, requiring the confirmation of the senate.

I have the honor to be, sir, with perfect respect, your obedient servant, J. C. CALHOUN.

To the president of the United States.

Promotions and appointments in the army of the United States.

James Gadsden, late insp. gen. to be adjt. gen. 13th Aug. 1821.
 Samuel B. Archer, capt. art. to be insp. gen. 10th Nov. 1821.
 William Linard, late dep. qr. master gen. to be qr. master 12th Nov. 1813.
 Henry Stanton, late dep. qr. master gen. to be qr. master 13th May, 1820.
 Daniel Parker, late adj. and insp. gen. to be paymaster gen. 1st June, 1821.
 Thomas Wright, late paymaster 5th infantry, to be paymaster, 22nd June, 1815.
 Asher Phillips, late paymaster 3rd infantry, to be paymaster, 26th Aug. 1815.
 Alphonso Wetmore, late paymaster 6th infantry, to be paymaster, 14th Oct. 1815.

Corps of engineers.

Cadet Edwd. H. Courtenay, to be brev. 2nd lieutenant. 1st July, 1821.
First regiment of artillery.
 2nd lieutenant. Matthew A. Patrick, to be 1st lieutenant. 11th Aug. 1820.
 3rd lieutenant. Daniel D. Tompkins, of ord. to be 2nd lieutenant. 1st July, 1820.
 Brev. 2nd lieutenant. Jonathan Prescott, to be 2nd lieutenant. 1st July, 1821.
 Brev. 2nd lieutenant. Charles Dimmock, to be 2nd lieutenant. 1st July, 1821.
 Cadet Washington Wedglight, to be brev. 2nd lieutenant. 1st July, 1821.
Second regiment of artillery.
 Nathan Towson, late capt. light art. to be colonel. 1st June, 1821.
 1st lieutenant. Thomas C. Legate, to be captain. 13th May, 1820.
 2nd lieutenant. C. M. Eakin, to be 1st lieutenant. 13th May, 1820.
 2nd lieutenant. Samuel Cooper, to be 1st lieutenant. 1st July, 1821.
 3rd lieutenant. William C. DeHart, late ordnance, to be 2nd lieutenant. 1st July, 1820.
 3rd lieutenant. Wm. P. Buchanan, late ordnance, to be 2nd lieutenant. 1st July, 1820.
 Cadet David Wallace, to be brev. 2nd lieutenant. 1st July, 1821.
 Cadet James Grier, to be brev. 2nd lieutenant. 1st July, 1821.
Third regiment of artillery.
 2nd lieutenant. S. S. Smith, to be 1st lieutenant. 30th Nov. 1820.
 3rd lieutenant. Francis N. Barbarin, ord. to be 2nd lieutenant. 1st July, 1820.
 3rd lieutenant. Charles Thomas, ord. to be 2nd lieutenant. 1st June, 1821.
 Cadet Robert W. Allston, to be brev. 2nd lieutenant. 1st July, 1821.
 Cadet J. F. Scott, to be brev. 2nd lieutenant. 1st July, 1821.
Fourth regiment of artillery.
 J. R. Fenwick, late lieutenant. col. light art. to be col. 1st June, 1821.
 2nd lieutenant. John M. Washington, to be 1st lieutenant. 23rd May, 1820.
 2nd lieutenant. William Wright, to be 1st lieutenant. 23rd Aug. 1820.
 2nd lieutenant. Harvey Brown, to be 1st lieutenant. 23rd Aug. 1821.
 3rd lieutenant. Wm. H. Bell, ord. to be 2nd lieutenant. 1st July, 1820.
 Cadet Clark Burdine, to be 2nd lieutenant. 1st July, 1821.
 Cadet W. W. Wells, to be 2nd lieutenant. 1st July, 1821.

Cadet J. C. Holland, to be 2nd lieutenant. 1st July, 1821.
 Cadet Edward C. Ross, to be 2nd lieutenant. 1st July, 1821.
 Cadet John B. Scott, to be brev. 2nd lieutenant. 1st July, 1821.

First regiment of infantry.

Cadet Jefferson Vail, to be 2nd lieutenant. 1st July, 1821.

Second regiment of infantry.

2nd lieutenant. E. K. Barnum, to be 1st lieutenant. 31st Dec. 1820.

Cadet Alex. Morton, to be 2nd lieutenant. 1st July, 1821.

Third regiment of infantry.

Cadet Otis Wheeler, to be 2nd lieutenant. 1st July, 1821.

Cadet Henry Bainbridge, to be 2nd lieutenant. 1st July, 1821.

Fourth regiment of infantry.

1st lieutenant. Francis W. Brady, to be captain. 31st Dec. 1820.

2nd lieutenant. Thomas Johnson, to be 1st lieutenant. 31st Dec. 1820.

Fifth regiment of infantry.

1st lieutenant. J. Plympton, to be captain. 1st Jan. 1822.

2nd lieutenant. C. Burbridge, to be 1st lieutenant. 1st Nov. 1821.

2nd lieutenant. J. B. E. Russell, to be 1st lieutenant. 1st Jan. 1822.

Cadet Seth M. Capron, to be 2nd lieutenant. 1st July, 1821.

Cadet Julius A. d'Aguel, to be 2nd lieutenant. 1st July, 1821.

Sixth regiment of infantry.

2nd lieutenant. W. D. McCray, to be 1st lieutenant. 5th Nov. 1821.

3rd lieutenant. Joseph Buckley, ord. to be 2nd lieutenant. 1st June, 1821.

Cadet Joseph Ventland, to be 2nd lieutenant. 1st July, 1821.

Cadet W. W. Gaillard, to be 2nd lieutenant. 1st July, 1821.

Cadet Jason Rogers, to be 2nd lieutenant. 1st July, 1821.

Cadet D. M. Porter, to be 2nd lieutenant. 1st July, 1821.

Seventh regiment of infantry.

Maj. J. B. Many, to be lieutenant. col. 1st Jan. 1822.

2nd lieutenant. John B. Hobkirk, to be 1st lieutenant. 31st Oct. 1820.

3rd lieutenant. James Dawson, (ord.) to be 2nd lieutenant. 1st June, 1821.

Edward Percell, late surgeon 5th inf. to be surgeon, 18th June, 1821.

John A. Brereton, D. C. to be assistant surgeon, 1st July, 1821.

Henry Stevenson, late post surg. do. do. 16th July, 1821.

Mordecai Hale, do. do. do. 27th Oct. 1821.

Richard S. Satterlee,

Walter Jones, D. C. to be brig. gen. of the militia of the district of Columbia, 1st Aug. 1821.

Israel P. Thompson, D. C. to be capt. 1st reg. 2nd brig. militia of the District of Columbia, 1st Aug. 1821.

George Brent, D. C. to be lieutenant. 1st reg. 2nd brig. militia of the District of Columbia, 1st Aug. 1821.

Samuel McChain, to be ensign 1st reg. 2nd brig. militia of the District of Columbia, 1st Aug. 1821.

The following officers have been raised in the United States army, Corps of engineers.

Brevet major general Alexander Macomb, late brigadier general, to be colonel, 6th July, 1812, with the brevet rank of brigadier general, 21st January, 1814.

Sixth regiment of infantry.

Brigadier general Henry Atkinson, to be colonel, 15th April, 1814, with the brevet rank of brigadier general, 13th May, 1820.

Seventh regiment of infantry.

Major William Bradford, late of the mile, to be captain, 6th July, 1812, with the brevet rank of major, 10th November, 1813.

First regiment of artillery.

Major James Dalhousie, late of the ordnance, to be captain, 5th August, 1813, with the brevet rank of major, 9th February, 1815.

The message was read.

On motion,

Ordered, That it be referred to the committee on military affairs, to consider and report thereon.

Wednesday, January 23, 1822. On motion by Mr. Williams, of Tennessee,

Ordered, That the message nominating persons to promotions and appointments in the army, be printed for the use of the senate, under an injunction of secrecy.

Monday, February 23, 1822. Mr. Williams, of Tennessee, from the committee on military affairs, to whom was referred the message of the 21st January, nominating persons to promotions and appointments in the army, reported on the nomination of Richard S. Satterlee; and

Resolved, That the senate do advise and consent to the appointment agreeably to the nomination.

Friday, March 8, 1822. On motion, by Mr. Benton,

Resolved, That the committee on military affairs be instructed to make a report to the senate, shewing the number of the colonels in the army of the United States, on the 2nd of March, 1821, their names, dates of commission, and corps. Also, shewing the number of colonels in service under the peace establishment of 1821, their names, the highest grade before held by them, the date of that commission, and the corps to which they belonged, if attached to any corps. Also shewing the number of adjutant and inspector generals in service on the

said 2nd of March, their names, the highest lineal rank previously held by each in the United States army, and the date of that commission. Also, showing the number of adjutant and inspector generals in service under the peace establishment of 1821, their names, the highest lineal rank previously held by them, and the date of commission. Also, a list of all such transfers and promotions made under or since the said act of March 2nd, showing the names, grades, dates of commissions, and corps to which each belonged at the time of the transfer or promotion, and the office to which transferred or promoted. Also, showing the highest lineal rank held by colonel R. Butler, in the army of the United States, at any time before the said 2nd of March, the time when, and his rank when he may have quit the line of the army; and the grade and date of commission of major Wm. Bradford, at the date aforesaid.

Wednesday, March 13, 1822. Mr. Williams, of Tennessee, from the committee on military affairs, to whom was referred the message of the 21st January, nominating to promotions and appointments in the army, made the following report; which was read:

That colonel Towson, on the 2nd day of March, 1821, was paymaster general; that he held neither rank nor command in the army, and, not belonging to any corps of the army, the president had no power, under the law reducing and fixing the military peace establishment, to arrange him to the command of one of the regiments retained in service by said act.

The committee further report, that colonel Gadsden, on the second of March, 1821, was one of the two inspector generals of the army, both of whom were retained in service by the act reducing the army; that there were two adjutant generals in service, one of whom was retained in service; and the president was not authorized to dismiss both of them, and retain colonel Gadsden as adjutant general.

The committee further report, that colonel Fenwick, on the 2nd March, 1821, was lieutenant colonel of the light artillery; that, by appointing him to the command of one of the regiments of artillery it will disband, as supernumerary, a full colonel, who, by the terms of the law of the 2nd March, 1821, was entitled to be retained. The committee, therefore, recommend that the senate do not advise and consent to the nomination of colonel Fenwick.

The committee further report, that generals Macomb and Atkinson, majors Bradford and Dalliba are nominated to grades below the rank they formerly held in the army; that the principle of *raze* was recognised by the senate on the reduction of the army in 1815; and, under the authority of that precedent, the committee recommend that the four last mentioned nominations be confirmed.

Mr. Williams, from the same committee, pursuant to a resolution of the 8th instant, reported the army register of May 17, 1821, which was read.

Thursday, March 14, 1822. The senate proceeded to consider the nomination of Nathan Towson to appointment in the army, as contained in the message of the 21st January; and, after debate,

The senate adjourned.

Friday, March 15, 1822. The senate resumed the consideration of the nomination of Nathan Towson; and, on motion,

Ordered, That it lie on the table.

Saturday, March 16, 1822. The senate resumed the consideration of the nomination of Nathan Towson; and,

On the question, "Will the senate advise and consent to this appointment?"

It was determined in the negative; yeas 19, nays 25.

On motion, by Mr. Lanman,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of New-York, Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, Talbot.

Those who voted in the negative, are

Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes, of Maine, Lloyd, Lowrie, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Dyke, Walker, Ware, Williams, of Miss. Williams, of Tenn.

So it was

Resolved, That the senate do not advise and consent to the appointment of Nathan Towson, to be colonel of the second regiment of artillery.

Monday, March 18, 1822. The senate proceeded to consider the nomination of James Gadsden to be adjutant general, contained in the message of the 21st January; and, after debate,

The senate adjourned.

Thursday, March 21, 1822. The senate resumed the consideration of the nomination of James Gadsden to be adjutant general, contained in the message of the 21st January; and,

On the question, "Will the senate advise and consent to this appointment?"

It was determined in the negative; yeas 20, nays 23.

On motion, by Mr. Eaton,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of O. Eaton, Edwards, Elliott, Findlay, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of N. Y. Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, Williams, of Miss.

Those who voted in the negative, are

Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Tenn.

So it was

Resolved, That the senate do not advise and consent to the appointment of James Gadsden to be adjutant general.

The senate proceeded to consider the nomination of Alexander Macomb, to be colonel of the corps of engineers, contained in the last mentioned message; and,

On motion, by Mr. Smith,

Ordered, That the question, "Will the senate advise and consent to this appointment?" be taken by yeas and nays.

On motion,

Ordered, That the nomination lie on the table.

Friday, March 22, 1822. The senate resumed the consideration of the nominations to promotions and appointments in the army, as contained in the message of the 21st Jan. and not before acted on.

On the question, "Will the senate advise and consent to the appointment of Alexander Macomb to be colonel of engineers, with the brevet rank of brigadier general?"

A division of the question was called for, and the vote was taken on the first member thereof,

Which was determined in the affirmative; yeas 26, nays 14.

The yeas and nays being previously ordered,

Those who voted in the affirmative, are

Messrs. Barbour, Boardman, Brown, of Lou. Brown, of Ohio, Dickerson, Eaton, Elliott, Findlay, Holmes, of Miss. Johnson, of Ken. King, of Alab. King, of N. Y. Knight, Lanman, Macon, Mills,

Morril, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, Williams, of Tenn.

Those who voted in the negative, are

Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, Ware.

The vote was then taken on the second member of the said question,

And determined in the affirmative; yeas 28, nays 15.

On motion by Mr. Southard,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Benton, Brown, of Lou. Eaton, Edwards, Elliott, Findlay, Holmes, of Miss Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of N. Y. Lauman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Seymour, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, Ware, Williams, of Tenn.

Those who voted in the negative, are

Messrs. Barton, Boardman, Brown, of Ohio, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Knight, Noble, Palmer, Ruggles, Smith, Taylor, Thomas.

So it was

Resolved, That the senate do advise and consent to the appointment of Alexander Macomb, agreeably to the nomination.

On the question, "Will the senate advise and consent to the appointment of Henry Atkinson, to be colonel of the sixth regiment of infantry, with the brevet rank of brigadier general?"

A division of the question was called for, and the vote taken on the first member thereof,

And determined in the affirmative; yeas 29, nays 14.

On motion, by Mr. Holmes, of Maine,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Boardman, Brown, of Lou. Brown, of Ohio, Dickerson, Eaton, Edwards, Elliott, Findlay, Holmes, of Miss Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of N. Y. Knight, Lauman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, Williams, of Tenn.

Those who voted in the negative, are

Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes, of Maine, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, Ware.

And the second member of the question having been agreed to; it was

Resolved, That the senate do advise and consent to the appointment of Henry Atkinson, agreeably to the nomination.

The senate then proceeded to consider, separately, the nominations contained in said message, which had not been finally acted on; and,

Resolved, That they do advise and consent to the said appointments agreeably to the nominations, respectively, with the exception of Samuel B. Archer, Daniel Parker, J. R. Fenwick and William Bradford; which were,

On motion,

Ordered, To be postponed to Tuesday next.

On motion, by Mr. Smith,

To reconsider the vote of yesterday on the nomination of James Gadsden,

It was determined in the affirmative; yeas 23, nays 21.

On motion by Mr. Morrill,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Chandler, Eaton, Edwards, Elliott, Findlay, Holmes, of Miss Johnson, of Ken. Johnson, of Lou. King, of Alab. King, of N. Y. Knight, Lauman, Mills, Noble, Otis, Parrott, Smith, Southard, Stokes, Williams, of Miss.

Those who voted in the negative, are

Messrs. Barton, Benton, Boardman, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Miss.

On the question, "Will the senate advise and consent to the appointment of James Gadsden to be adjutant general?"

It was determined in the negative; yeas 21, nays 23.

On motion, by Mr. Dickerson,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Eaton, Edwards, Elliott, Findlay, Holmes, of Miss Johnson, of Ken. Johnson, Lou. King, of Alab. King, of N. Y. Knight, Lauman, Mills, Otis, Parrott, Smith, Southard, Stokes, Williams, of Miss.

Those who voted in the negative, are

Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Tenn.

So it was

Resolved, That the senate do *not* advise and consent to the appointment of James Gadsden, to be adjutant general.

On motion, by Mr. Benton,

Resolved, That the committee on military affairs inquire into the facts, and inform the senate, whether colonel Robert Butler has resigned, or refused to accept, the place of colonel or lieutenant colonel in the military peace establishment of the United States, and whether his resignation has been accepted.

Tuesday, March 26, 1822. The following written message was received from the president of the United States, by Mr. Gouverneur, his secretary:

To the senate of the United States:

Having executed the act, entitled "An act to reduce and fix the military peace establishment of the United States," on great consideration, and according to my best judgment; and, inferring from the rejection of the nomination of colonel Towson and colonel Gadsden, officers of very distinguished merit, that the view which I took of that law has not been well understood, I hereby withdraw all the nominations on which the senate has not decided, until I can make a more full communication and explanation of that view, and of the principles on which I have acted, in the discharge of that very delicate and important duty.

JAMES MONROE.

Washington, March 26, 1822.

The message was read.

Friday, April 12. The two following written messages were received from the president of the United States, by Mr. Gouverneur, his secretary:

To the senate of the United States:

Having cause to infer that the reasons which led to the construction which I gave to the act of the last session, entitled "An act to reduce and fix the peace establishment of the United States," have not been well understood, I consider it my duty to explain, more fully, the view which I took of that act, and of the principles on which I executed the very difficult and important duty enjoined on me by it.

To do justice to the subject, it is thought proper to shew the actual state of the army before the passage of the late act, the force in service, the several corps of which it was composed, and the grades, and number of officers commanding it. By seeing, distinctly, the body, in all its parts, on which the law operated; viewing, also, with a just discrimination, the spirit, policy, and positive injunctions of that law, with reference to precedents, established in a former analogous case, we shall be enabled to ascertain, with great precision, whether these injunctions have, or have not, been strictly complied with.

By the act of the 3d of March, 1815, entitled "An act fixing the military peace establishment of the United States," the whole force in service was reduced to ten thousand men, infantry, artillery and riflemen, exclusive of the corps of engineers, which was retained in its then state. The regiment of light artillery was retained as it had been organized by the act of the 3d March, 1814. The infantry was formed into nine regiments, one of which consisted of riflemen. The regiments of light artillery, infantry, riflemen, and corps of engineers, were commanded each by a colonel, lieutenant colonel, and the usual battalion and company officers; and the battalions of the corps of artillery, of which there were eight, four for the northern, and four for the southern division, were commanded by lieutenant colonels, or majors, there being four of each grade. There were, therefore, in the army, at the time the late law was passed, twelve colonels belonging to those branches of the military establishment. Two major generals and four brigadiers were likewise retained in service by this act; but the staff, in several of its branches, not being provided for, and being indispensable, and the omission inadvertent, proceeding from the circumstances under which the act was passed, being at the close of the session, at which time intelligence of the peace was received, it was provisionally retained by the president, and provided for afterwards by the act of 24th of April, 1816. By this act, the ordnance department was preserved as it had been organized by the act of February 8, 1815, with one colonel, one lieutenant colonel, two majors, ten captains, and ten first, second, and third lieutenants. One adjutant and inspector general of the army, two adjutant generals, one for the northern and one for the southern division were retained. This act provides, also, for a paymaster general, with a suitable number of regimental and battalion paymasters, as a part of the general staff, constituting the military peace establishment; and the pay department, and every other branch of the staff, were subjected to the rules and articles of war.

By the act of March 2, 1821, it was ordained that the military peace establishment should consist of four regiments of artillery, and of seven of infantry, with such officers of engineers, ordnance and staff, as were therein specified. It is provided, that each regiment of artillery should consist of one colonel, one lieutenant colonel, one major, and nine companies, with the usual company officers, one of which to be equipped as light artillery; and that there should be attached to each regiment of artillery one supernumerary captain to perform ordnance duty, thereby merging the regiment of artillery and ordnance department, into these four regiments. It was provided, also, that each regiment of infantry should consist of one colonel, one lieutenant colonel, one major, and ten companies, with the usual company officers. The corps of engineers, bombardiers excepted, with the topographical engineers and their assistants, were to be retained under the existing organization. The former establishment, as to the number of major generals and brigadiers, was curtailed one half, and the office of inspector and adjutant general to the army, and of adjutant general to each division, annulled, and that of adjutant general to the army instituted. The quartermaster, paymaster, and commissary departments, were also specially provided for, as was every other branch of the staff, all of which received a new modification, and were subjected to the rules and articles of war.

The immediate and direct operation of this act on the military peace establishment of 1815, was that of reduction, from which no officer belonging to it was exempt, unless it might be the topographical engineers; for, in retaining the corps of engineers, as was manifest, as well by the clear import of the section relating to it, as by the provisions of every other clause of the act, reference was had to the organization, and not to the officers of the corps. The establishment of 1815 was reduced from 10,000 to about 6,000 men. The eight battalions of artillery, constituting what was called the corps of artillery and the regiment of light artillery, as established by the act of 1815, were to be incorporated together, and formed into four new regiments. The regiments of infantry were to be reduced from nine to seven, the rifle regiment being broken. Three of the general officers were to be reduced, with very many of the officers belonging to the several corps of the army, and particularly of the infantry. All the provisions of the act declare of what number of officers and men the several corps provided for by it should thenceforward consist; and not that any corps, as then existing, or any officer of any corps, unless the topographical engineers were excepted, should be retained. Had it been intended to reduce the officers by corps, or to exempt the officers of any corps from the operation of the law; or, in the organization of the several new corps, to confine the selection of the officers to be placed in them to the several corps of the like kind then existing, and not extend it to the whole military establishment, including the staff; or to confine the reduction to a proportional number of each corps, and of each grade in each corps, the object, in either instance, might have been easily accomplished by a declaration to that effect. No such declaration was made, nor can such intention be inferred. We see, on the contrary, that every corps of the army, and staff, was to be reorganized, and most of them reduced in officers and men; and that, in arranging the officers from the old to the new corps, full power was granted to the president to take them from any and every corps of the former establishment, and place them in the latter. In this latter grant of power, it is proper to observe, that the most comprehensive terms that could be adopted were used, the authority being to cause the arrangement to be made from the officers of the several corps, then in the service of the United States, comprising, of course, every corps of the staff, as well as of artillery and infantry, and not from the *corps of troops*, as in the former act, and without any limitation as to grades.

It merits particular attention, that, although the object of this latter act was reduction, and such its effect, on an extensive scale, five new offices were created by it; four of the grade of colonel for the four regiments of artillery, and that of adjutant general for the army. Three of the first mentioned were altogether new, the corps having been newly created; and, although one officer of that grade, as applicable to the corps of light artillery, had existed, yet, as that regiment was reduced, and all its parts reorganized in another form, and with other duties, being incorporated into the four new regiments, the commander was manifestly displaced, and incapable of taking the command of either of the new regiments, or any station in them, until he should be authorized to do so by a new appointment. The same remarks are applicable to the office of adjutant general to the army. It is an office of new creation, differing from that of adjutant and inspector general, and likewise from

that of adjutant general to a division, which were severally annulled. It differs from the first in title, rank, and pay, and from the two latter, because they had been created by law, each for a division; whereas the new office, being instituted without such special designation, could have relation only to the whole army. It was manifest, therefore, that neither of those officers had any right to this new station, nor to any other station, unless he should be specially appointed to it, the principle of reduction being applicable to every officer in every corps. It is proper, also, to observe, that the duties of adjutant general, under the existing arrangement, correspond, in almost every circumstance, with those of the late adjutant and inspector general, and not with those of an adjutant general of a division.

To give effect to this law, the president was authorized, by the twelfth section, to cause the officers, non-commissioned officers, artificers, musicians and privates, of the several corps then in the service of the United States, to be arranged in such manner as to form, and complete out of the same, the force thereby provided for, and to cause the supernumerary officers, non-commissioned officers, artificers, musicians and privates, to be discharged from the service.

In executing this very delicate and important trust, I acted with the utmost precaution. Sensible of what I owed to my country, I felt strongly the obligation of observing the utmost impartiality in selecting these officers who were to be retained. In executing this law I had no personal object to accomplish, or feeling to gratify; no one to retain, no one to remove. Having, on great consideration, fixed the principles on which the reduction should be made, I availed myself of the example of my predecessor, by appointing, through the proper department, a board of general officers to make the selection, and whose report I adopted.

In transferring the officers from the old to the new corps, the utmost care was taken to place them, in the latter, in the grades and corps to which they had respectively belonged in the former, so far as it might be practicable. This, though not enforced by the law, appearing to be just and proper, was never departed from, except in peculiar cases, and under imperious circumstances.

In filling the original vacancies in the artillery, and in the newly created office of adjutant general, I considered myself at liberty to place in them any officer belonging to any part of the whole military establishment, whether of the staff or line. In filling original vacancies, that is, offices newly created, it is my opinion, as a general principle, that congress have no right, under the constitution, to impose any restraint, by law, on the power granted to the president, so as to prevent his making a free selection of proper persons for these offices from the whole body of his fellow citizens. Without, however, entering here into that question, I have no hesitation in declaring it as my opinion, that the lawfully authorized a selection from any branch of the whole military establishment of 1815. Justified, therefore, as I thought myself, in taking that range, by every the highest sanction, the sole object to which I had to direct my attention was the merit of the officers to be selected for those stations. Three generals, of great merit, were either to be dismissed, or otherwise provided for. The very gallant and patriotic defender of New Orleans had intimated his intention to retire, but, at my suggestion, expressed his willingness to accept the office of commissioner to receive the cession of

the Floridas, and of governor, for a short time, of that territory. As to one, therefore, there was no difficulty. For the other two, provision could only be made in the mode which was adopted. General Macomb, who had signalized himself in the defence of Plattsburg, was placed at the head of the corps of engineers to which he had originally belonged, and in which he had acquired great experience, colonel Armistead, then at the head of that corps, having voluntarily accepted one of the new regiments of artillery, for which he possessed very suitable qualifications. General Atkinson, likewise an officer of great merit, was appointed to the newly created office of adjutant general. Brevet General Porter, an officer of great experience, in the artillery, and merit, was appointed to the command of another of those regiments. Colonel Fenwick, then the oldest lieutenant colonel of artillery and who had suffered much in the late war by severe wounds, was appointed to a third; and colonel Towson, who had served with great distinction in the same corps, and been twice brevetted for his gallantry, in the late war, was appointed to the last remaining one. Gen. Atkinson having declined the office of adjutant general, colonel Gadsden, an officer of distinguished merit, and believed to possess qualifications suitably adapted to it, was appointed in his stead. In making the arrangement, the merits of Col. Butler and Col. Jones were not overlooked. The former was assigned to the place which he would have held in the line, if he had retained his original lineal commission; and the latter to his commission in the line, which he had continued to hold with his staff appointment.

That the reduction of the army, and the arrangement of the officers, from the old to the new establishment, and the appointments referred to, were, in every instance, strictly conformable to law, will, I think, be apparent. To the arrangement, generally, no objection has been heard; it has been made, however, to the appointments, to the original vacancies, and particularly to those of colonel Towson and colonel Gadsden. To those appointments, therefore, further attention is due. If they were improper, it must be either that they were illegal, or, that the officers did not merit the offices conferred on them. The acknowledged merit of the officers, and their peculiar fitness for the offices, to which they were respectively appointed, must preclude all objection on that head. Having already suggested my impression, that, in filling offices newly created, to which, on no principle whatever, any one could have a claim of right, congress could not, under the constitution, restrain the free selection of the president, from the whole body of his fellow-citizens, I shall only further remark, that if that impression is well founded, all objections to these appointments must cease. If the law imposed such restraint, it would, in that case, be void. But, according to my judgment, the law imposed none. An objection to the legality of those appointments must be founded, either on the principle that those officers were not comprised within the corps then in the service of the U. States, that is, did not belong to the peace establishment, or that the power granted by the word "arrange," imposed on the president the necessity of placing in these new offices, persons of the same grade, only, from the old. It is believed that neither objection is well founded. Col. Towson belonged to one of the corps, then in the service of the United States, or, in other words, of the military peace establishment. By the act of 1815-16, the pay department, of which the paymaster general was the chief, was made one of

the branches of the staff, and he, and all those under him, were subjected to the rules and articles of war. The appointment, therefore, of him, and especially to a new office, was strictly conformable to law.

The only difference between the 5th section of the act of 1815, for reducing the army, and the 12th section of the act of 1821, for still further reducing it, by which the power to carry those laws into effect, was granted to the president, in each instance, consists in this, that by the former he was to cause the arrangement to be made of the officers, non-commissioned officers, musicians, and privates, of the several *corps of troops*, then in the service of the United States, whereas, in the latter, the term *troops* was omitted. It cannot be doubted, that that omission had an object, and that it was thereby intended to guard against misconstruction in so very material and important a circumstance, by authorizing the application of the act, unequivocally, to every *corps* of the staff, as well as of the line. With that word, a much wider range was given to the act of 1815, on the reduction which then took place, than under the last act. The omission of it, from the last act, together with all the sanctions which were given by congress, to the construction of the law, in the reduction made under the former, could not fail to dispel all doubt as to the extent of the power granted by the last law, and of the principles which ought to guide, and on which it was thereby made the duty of the president to execute it. With respect to the other objection, that is, that officers of the same grade, only, ought to have been transferred to these new offices, it is equally unfounded. It is admitted, that officers may be taken from the old *corps*, and reduced, and arranged in the new, in inferior grades, as was done under the former reduction. This admission puts an end to the objection, in this case; for, if an officer may be reduced and arranged, from one *corps* to another, by an entire change of grade, requiring a new commission, and a new nomination to the senate, I see no reason why an officer may not be advanced in like manner. In both instances, the grade, in the old *corps*, is alike disregarded. The transfer from it to the new, turns on the merit of the party; and, it is believed, that the claim in this instance is felt by all with peculiar sensibility. The claim of colonel Towson is the stronger, because the arrangement of him to the office to which he is now nominated, is not to one from which any officer has been removed, and to which any other officer may, in any view of the case, be supposed to have had a claim. As colonel Gadsden held the office of inspector general, and, as such, was acknowledged by all to belong to the staff of the army, it is not perceived on what ground his appointment can be objected to.

If such a construction is to be given to the act of 1821, as to confine the transfer of officers from the old to the new establishment, to the *corps of troops*, that is to the line of the army, the whole staff of the army, in every branch, would not only be excluded from any appointment in the new establishment, but altogether disbanded from the service, it would follow, also, that all the officers of the staff, under the new arrangement, must be filled by officers belonging to the new establishment, after its organization and their arrangement in it.—Other consequences, not less serious, would follow. If the right of the president to fill these original vacancies, by the selection of officers from any branch of the whole military establishment, was denied, he would be compelled to place in them offi-

cers of the same grade, whose *corps* had been reduced, and they with them. The effect, therefore, of the law, as to those appointments, would be to legislative into office men who had been already legislated out of office, taking from the president all agency in their appointment. Such a construction would not only be subversive of the obvious principle of the constitution, but utterly inconsistent with the spirit of the law itself; since it would provide offices for a particular grade, and fix every member of that grade in those offices at a time when every other grade was reduced, and among them generals and other officers of the highest merit. It would also defeat every object of selection, since colonels of infantry would be placed at the head of regiments of artillery, a service in which they might have had no experience, and for which they might, in consequence, be unqualified.

Having omitted, in the message to congress at the commencement of the session, to state the principles on which this law had been executed, and having imperfectly explained them in the message to the senate of the 17th of January last, I deem it particularly incumbent on me, as well from a motive of respect to the senate, as to place my conduct in the duty imposed on me by that act in a clear point of view, to make this communication at this time. The examples under the law of 1815, whereby officers were reduced and arranged from the old *corps* to the new, in inferior grades, fully justify all that has been done under the law of 1821. If the power to arrange, under the former law, authorized the removal of one officer from a particular station, and the location of another in it, reducing the latter from a higher to an inferior grade, with the advice and consent of the senate, it surely justifies, under the latter law, the arrangement of these officers, with a like sanction, to offices of new creation, from which no one had been removed, and to which no one had a just claim. It is on the authority of these examples, supported by the construction which I gave to the law, that I have acted, in the discharge of this high trust. I am aware that many officers of great merit, having the strongest claims on their country, have been reduced, and others dismissed; but, under the law, that result was inevitable. It is believed that none have been retained, who had not, likewise, the strongest claims to the appointments which have been conferred on them. To discriminate between men of acknowledged merit, especially in a way to affect so sensibly and materially their feelings and interests, for many of whom I have personal consideration and regard, has been a most painful duty; yet, I am conscious that I have discharged it with the utmost impartiality. Had I opened the door to change, in any case, even where error might have been committed, against whom could I afterwards have closed it, and into what consequences might not such a proceeding have led? The same remarks are applicable to the subject, in its relation to the senate, to whose calm and enlightened judgment, with these explanations, I again submit the nominations which have been rejected.

JAMES MONROE.

Washington, April 12, 1822.

To the senate of the United States:

I re-nominate Nathan Towson, to be colonel of the 2d regiment of artillery.

James Gadsden, to be adjutant general of the army of the United States.

JAMES MONROE.

Washington, April 12, 1822.

The messages were severally read. On motion, Ordered, That they be severally referred to the committee on military affairs, to consider and report thereon; and that they be printed for the use of the senate, under an injunction of secrecy.

On motion, Ordered, That the message of the 21st January last, nominating to promotions and appointments in the army, be re-committed to the committee on military affairs, further to consider and report thereon, and that it be re-printed for the use of the senate, under an injunction of secrecy.

Ordered, That the message of the 26th March, withdrawing certain nominations to appointments in the army, be referred to the committee on military affairs, to consider and report thereon, and that it be printed for the use of the senate, under an injunction of secrecy.

[Mr. Williams communicated to the senate the following letter.]
Copy of a letter to the hon. William Eustis, chairman military committee, house of representatives.

WAR DEPARTMENT, 29th Jan. 1822.

SIR: I have submitted to the president, for his direction, your letter of the 17th instant, in which you state, that the committee on military affairs are of the opinion, that the appointment of col Gadsden to the office of adjutant general, when there were at the time of his appointment two adjutant generals in service; that the appointment of colonel Towson, not at the time an officer in the line of the army, to be colonel of artillery; and the transfer of lieutenant col. Lindsay, of the 7th infantry, to fill a vacancy in the 4th artillery, occasioned by the resignation of lieutenant colonel Mitchell, subsequently to the arrangement of the army, established May 17th, 1821, and after the 1st of June, the time limited by law, for the organization of the army, are not conformable to the provisions of the law nor to the regulations of the army; and request me to communicate to them the grounds and authority on which the appointments and transfer before mentioned, have been made: and I am directed by him to state to the committee, that, in making the appointments and transfer in question, he was governed by that construction of the laws and regulations, in relation to the subject of inquiry, which appeared to him conformable to their real intention, and to the principles established in reducing the army, under the act of the 3d of March, 1815, for fixing the peace establishment at the termination of the late war: the provisions of which act, in relation to the points in question, being similar to those in the act of the 2d March, 1821, under which the late reduction was made.

He also directs me to state to the committee, that he has submitted to the senate the cases to which they have objected, as well as others of a similar character, growing out of the late reduction, by a nomination to them for their constitutional sanction.

The committee appear to be under a mistake as to the facts in relation to the appointment of colonel Gadsden, as adjutant general. Instead of two adjutant generals being in service at the time he was appointed, (the 13th of August last,) as the committee suppose, there was no officer of that grade in the service at the time. Colonel Gadsden, in the arrangement of the army under the act making the late reduction, was retained as inspector general, which office he held before the reduction, and the adjutant generals of the northern and southern divisions, (colonels Butler and Jones,) to whom it is supposed the committee refer, had been arranged, the former to the 4th in-

fantry provisionally, and the latter to his place in the line of artillery, as will appear by a reference to the register herewith transmitted. General Atkinson, who had been arranged to the office of adjutant general, declined accepting it, and colonel Gadsden was appointed by the president to fill the vacancy, in conformity to the provisions of the 10th section of the act of the 24th of April, 1816, "for organizing the general staff," &c. which authorizes the president to appoint staff officers from the line of the army, or from citizens, without any limitation. But, admitting that the committee were correct in their statement, and that colonel Gadsden, at the time of the reduction, had been arranged to the place of adjutant general, there being two adjutant generals then in service, instead of being retained as inspector general, the principles established in the reduction of the army, under the act of the 3d of March, 1815, would have fully justified the arrangement. The provisions of the two acts for reducing the army are, in relation to this point, precisely the same. In the reduction under the act of 3d March, 1815, colonel Hayne, inspector general at the time, was provisionally retained as adjutant general of the north division, there being, at that time, eight adjutant generals in service, which arrangement received the sanction of congress, in the act already referred to, of the 24th April, 1816, the 10th section of which confirmed the provisional arrangement of the staff officers.

In relation to the transfer of lieutenant colonel Lindsay to the corps of artillery, after the 1st of June, the time limited by law for the re-organization, to which the committee object, as not being conformable to law and regulation, it is proper to observe, that it is fully supported by the precedent established in the reduction of the army, under the act of 1815. Under that act, the army register, by general orders, (see register for 1815, herewith transmitted, marked A.) was kept open to fill vacancies of any grade, which might occur, from among the reduced officers, from the 17th of May, 1815, to the 17th May, 1816. Under this order, eighteen transfers from and to various corps, and sixty appointments from disbanded officers, were made, which will appear by reference to the general order of the 17th of May, 1816, a copy of which is herewith transmitted (marked B.) Under the late reduction, the register was kept open, for the purpose of transferring only, from the 1st of June to the 1st of January last, as will appear by reference to the register, and only two officers, lieutenant colonel Lindsay, and lieutenant Walker, were transferred, excepting such as were made on mutual application for that purpose. It may be said that a reduction so great as that which was made after the late war, justified the principle then adopted, but that there existed no necessity to apply it to the late reduction. The difference between the two cases is no doubt great, as is the difference between the extent to which the principle was carried in them; but, to an objection to the power of the president under the laws and regulations, which the committee is understood to make, it is believed that the consideration of greater or less expediency can have no weight.

Lieut. colonel Lindsay, before the late reduction, was lieutenant colonel of artillery, in which corps he had served eight years; but, on the late reduction, he was arranged to the infantry. On the resignation of lieutenant colonel Mitchell, it was considered as an act of simple justice to transfer him back to his proper corps, from which, in the reduction, he had been removed, only from the necessity

of the case. It was, however, not an act of justice to lieut. col. Lindsay only, but, more emphatically so to three other meritorious officers. In the late reduction, lieutenant colonel Taylor, and major Woolly, on general Atkinson's being arranged as colonel of the 6th infantry, would have been reduced, from necessity, as junior officers in their grades, to inferior grades, had not lieutenant colonel Lindsay been transferred to the artillery, which transfer, making a vacancy in the infantry of the grade which he held, restored the two former to the rank from which they had been reduced, and retained captain Cobb in service by the arrangement. Such were the motives for the transfer, which were considered much stronger than those which opposed it. Had the transfer not been made, brevet lieutenant colonel Eustis would have been raised to a full lieutenant colonel, by promotion; brevet major Wilson, to be major, brevet captain Welsh to be captain; and 2d lieutenant Cooper, to be first lieutenant. As highly valuable as these officers are esteemed, with them it was a question of promotion, while, with the others, of equal merit, it was that of reduction; between which the president could not hesitate, believing he possessed the power. If the construction given to the act of 1815, should be supposed to be the one intended to be given to the act making the late reduction, and it is not perceived how a different supposition can be admitted, the wording of the two acts being similar, and the construction given to the former being well known, it would seem to admit of little doubt, that the president was authorized to consider the military establishment, under the act making the late reduction, as not definitively closed at the time of issuing the general order of the 17th May, to which the committee refer, nor as being necessarily closed, even on the 1st June. The general orders designate, it is true, the officers to be retained, with their grades and corps, but the same orders announced, that, until the 1st January, the president, in conformity to the power exercised in the former reduction, did not consider the arrangement as to the corps to which the officers were attached, as definitive, reserving, until that time, the right of making transfers. In keeping open the definitive adjustment of the establishment until the time specified, the president was governed by a due regard to the good of the service, and to the just claims of the officers, by correcting, as far as it could be done with propriety, cases of great hardship, such as that of lieutenant colonel Lindsay, and the others connected with it.

It only remains to consider the case of colonel Towson, to whose appointment in the corps of artillery it is objected by the committee, that he did not belong at the time to the line of the army.—The 12th section of the act of the 2d of March last, to reduce the military establishment, authorizes the president to "arrange the officers, non-commissioned officers, artificers, musicians, and privates, of the several corps now in the service of the United States, in such manner as to form and complete out of the same the force authorized by this act." In considering the authority of the president under this section, it became a question with him whether it was the intention of congress that each corps should be reduced and arranged by itself, that is, those officers belonging to the corps of artillery or infantry should be retained only in the artillery or infantry, as the case might be, in their proper grades, and so in relation to the several branches of staff, or that a more liberal construction should be given, so that the officers of the several corps might be

arranged to any corps in the same, or different and inferior grades, care being taken that no officer should be removed, without reason, from his corps or grade. In determining which of these constructions ought to prevail, reference was had to the construction adopted under the 5th section of the act of 1815, fixing the peace establishment, from which the section under consideration was obviously taken, being in almost the same words. It was believed to be a fair deduction, that congress, in adopting the same provisions in both, intended that the two sections should receive the same construction, and, consequently, as the 5th section of the act of 1815 had received the freest construction, (see table herewith transmitted, marked C), the president determined that congress did not intend, in the act making the late reduction, that, in arranging the officers to constitute the present establishment, he should be restrained to the particular corps and grade to which they belonged, but that it was intended that he should give the same construction which the former act had received. He was confirmed in the belief that such was the intention of congress from the fact, that, in the particular instance in which the wording of the two sections differ, that of the act making the late reduction is less limited, indicating on the part of congress a disposition to enlarge rather than to restrain the power of the executive; and from the manifest injury which would result from the opposite construction, both to the public and to the officers of the army. Were the officers of every corps and grade possessed of equal merit and claims on the public, for length and importance of their service, but little inconvenience could result from adopting the most rigid construction; but, as that cannot be expected, it was obviously advantageous, both to the public service and the officers, that a more liberal construction should be adopted. Under a rigid construction, many cases of great hardship would have occurred. Not to notice many others, such a construction would have disbanded two general officers (generals Macomb and Atkinson) of great merit, and having strong claims on the public, which, from the necessity of the case, could only be provided for in inferior grades and corps to which they did not belong, as general officers are not attached to any particular corps. Under the liberal construction adopted, and which was fully sanctioned by the precedent, growing out of the former reduction, colonel Towson, the paymaster general at the time of the late reduction, was appointed by the president to fill the rank of colonel in one of the regiments of artillery created by the act reducing the army, and being consequently an original vacancy. The army regulation provides (see 4th article of the regulations) that such vacancies may be filled by selection, at the discretion of the president; and there is in the act for reducing the army no limitation on the power of the president in filling the original vacancies under the act, which would restrain him in his selection, either to the line or to the staff. The only limitation in this particular, which can be inferred from the act, is, that the selection should not extend beyond the military establishment, which comprehends the pay department as a portion of the staff. Under these impressions, the president did not hesitate to appoint colonel Towson to the command of one of the new regiments of artillery, it being a corps in which he had in the late war acquired great experience and reputation, both for himself and country. I have the honor to be, &c.

J. C. CALHOUN.

Thursday, April 25, 1822. Mr. Williams of Tennessee, from the committee on military affairs, to whom was referred the army nominations, and the two messages of the president on that subject, reported as follows:

That they have carefully examined the reductions of the army, made in 1802 and 1815, for the purpose of discovering if there were precedents which would justify the course pursued in the reduction of 1821. The result of the examination is, that the three acts of congress are substantially the same, but the practice under them has been widely different. In 1802, Mr. Jefferson executed the law strictly. In 1815, Mr. Madison departed from the law, by retaining officers in a grade below the rank they formerly held in the army; and, in 1821, not only was the precedent of 1815 pursued, but principles were introduced unknown to our military code. The provisions of the law of the 2nd March, 1821, were disregarded in many particulars. The committee have examined the argument in the message, which is intended to justify the transfer of col. Lindsay from the infantry to the artillery, subsequent to the 1st of June, 1821, and have formed an opinion different from that entertained by the president.—The transfer is attempted to be supported on the exception alleged to exist in the 75th article of the rules and regulations established for the government of the army, which article is in the following words: "The transfer of officers will only be made by the war department, in orders, on the mutual application of the parties, *except in extraordinary cases*. See 63d article of war. Nor shall any officer be transferred into a regiment to the prejudice of the rank of any officer thereof. When officers are transferred at their own request, the order for change of station will specify the fact." On referring to the 63d article, which is in the following words: "The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the president of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the president, from one corps to another, regard being paid to rank." It will be seen that this article, relates exclusively to the *engineer corps*, and consequently there is no legal authority for the transfer of colonel Lindsay, from the infantry to the artillery. The 75th article, referred to by the president, determines the principle, and in fact the rule; by which transfers can be lawfully made. The article provides, "that the transfer of officer will only be made by the war department, in orders, on the application of the parties, *except in extraordinary cases*. See 63d article of war," &c. It is not pretended, in this case, that the parties applied for a transfer. But on the contrary, the transfer gave great displeasure, because it took away the rank and the right of promotion from all the officers under colonel Lindsay in the corps of artillery, and gave to the infantry officers a fictitious rank to which they were not entitled.

Independently of this view of the subject, which the committee consider conclusive, there is another ground which places this question beyond the possibility of doubt. During the last session of congress, the book of regulations was printed, and each member furnished with a copy. By comparing the 75th article in this book with the same article in the book lately printed for the use of the army, it will be

found that the exception relied upon by the president, is an *interpolation*, and is not, in the original, submitted to congress when that body was called on last session to enact these regulations into law. The president, however, submits to the senate for confirmation only the names of the officers on the list accompanying the message. On examining this list, the name of colonel Lindsay is not to be found. It is, therefore, in the opinion of the committee, not competent for the senate, at this time, to control this illegal transfer.

The committee, on examining the new register of the army, find many irregularities, and beg leave to refer to one in the inspectors department. The 5th section of the act, passed the 2nd of March, 1821, to reduce and fix the military peace establishment, provides that there shall be two inspectors general, with the rank, pay, and emoluments, of colonels of cavalry. The terms of the act in relation to these two officers are precisely the same; but a construction has been given to the act very different as regards these two officers. One of them, colonel Wool, is in service, *without*, and the other, colonel Archer, *with* lineal rank. This arrangement is calculated to produce great sensibility among the officers of the army, and to embarrass the service.

On the list accompanying the message of the 17th of January, colonel Towson is nominated to the senate in the following words: "Second regiment artillery, Nathan Towson, late captain light artillery, to be colonel 1st June, 1821." This nomination shows, what is the fact, that colonel Towson, some years ago, was a captain in the light artillery, which office he resigned before he was appointed paymaster general. It is usual both in the army and naval nominations to state the former rank of the officers, to enable the senate to determine whether their promotions are regular and according to the principles of seniority. If this description of colonel Towson's former rank in the army was given with this view, it is evident that the promotion is irregular, because it is to the prejudice of all the officers, under the grade of a colonel, who ranked this gentleman whilst he was an officer in the artillery. The president in his message does not rest the claims of colonel Towson to the command of a regiment on the ground taken in the list of nominations, but further insists, that the pay department, being a part of the military establishment, within the meaning of the act of 2nd March, 1821, "*constituted one of the corps of the army*," and it was competent for him, under the provisions of said act, to appoint colonel Towson to the command of one of the regiments of artillery; colonel Towson having resigned the captaincy, which he formerly held in the army, and accepted the office of paymaster general.

The message does not furnish the rule whereby he was translated from the pay department to the command of a regiment, in preference to his old rank of captain, or to a majority, or to the rank of lieutenant colonel. The message not having furnished a rule on this subject, the committee were compelled to look into the law and former usage; and they come to the conclusion, that the paymaster general could not legally be transferred from that situation to the command of a company, battalion or regiment, and that he did not constitute one of the *corps of the army*; that he was a salary officer under bond and security; and the duties required of him were those of the quill, and not of the sword. The 12th section of the act of 2nd March, 1821, is in the following words: "Sec. 12. And be it further enacted, That the president of the United States *cease to be arranged, the officers,*

non-commission officers, artificers, musicians and privates, of the several corps now in the service of the United States, in such manner as to form and complete out of the same the force authorized by this act, and cause the *superannuated* officers, non-commissioned officers, artificers, musicians and privates, to be discharged from the service of the United States." The question arises, on the construction of this section, whether "*the pay department constituted one of the corps of the army,*" out of which the president was required to arrange and complete the force retained by said act. The committee hold the negative of this proposition, and rely upon the law of the land and military usage, to sustain them in this position.

It is provided in the 6th section of the act of the 24th April, 1816, that all paymasters, commissaries and storekeepers, shall be subject to the rules and articles of war, in the same manner as *commissioned officers*: Provided, also, that all officers of the pay and commissary departments be submitted to the senate for their confirmation, in the same manner as the officers of the army.

Here are but two points wherein the three classes of officers, above enumerated, are likened unto *officers of the army*. But these apparent assimilations are not confined alone to these public agents. Officers of marines, when on shore, are subject to the "rules and articles of war," and judges, foreign ministers, and most other officers under the federal government, are submitted to the senate for confirmation. To be classed, therefore, with the officers of the army, so as to come within the obvious meaning of the above recited 12th section of the act of the 2d March, 1821, the paymaster general should be clothed, by law, with other and more important military properties than the two above-mentioned. But the president, in his message, insists that the pay department is a part of the military establishment. This is admitted. Military establishment is a comprehensive term, and includes every one subject to martial law. By recurring, however, to the 12th section of the act before cited, the words "military establishment" are not to be found. The terms used are, "the several corps now in service," out of which he was to "arrange" the force retained by the act. Admitting the paymaster general to be a staff officer, his duties are of a civil character, and may be classed with the commissary of purchases, the surgeon-general, chaplains, storekeepers, waggon masters, sutlers, &c. These officers have neither rank nor command in the army. They have no prescribed uniform; nor do they wear either sword or epaulettes. Their duties are peaceful. They are non-combatants. In civilized warfare, if taken prisoners, they would be liberated like other citizens: and the laws and usages of service distinctly mark their civil character. Army corps signifies a body of forces; not civil, but warlike forces; such as have prescribed uniforms and epaulettes, wear swords or carry arms, such as muskets and bayonets, with which they meet and combat the enemy in the field. Major generals, brigadier generals, adjutant and inspector generals, and the like, properly speaking, constitute the staff of the army. They have command and "*assimilated rank*" in the army. They are men at arms and wear prescribed uniforms, swords and epaulettes; and the laws and usages of service distinctly mark their warlike and military character. The argument in the message that the president had the whole range of the mili-

tary establishment, out of which he could, at pleasure, select the commanders of regiments, if it prove any thing, proves too much. It has already been shown that this is a comprehensive term, and it includes not only paymasters, surgeons, chaplains, storekeepers, sutlers, &c. but, also, all retainers of the army who are subject to martial law. According to the usages of service, the president could, with the same military propriety, arrange any one of these civil characters to the command of regiments, as he could transfer colonel Towson from the pay to the military department.

In the sixth paragraph of the third article of the army regulations, it is provided, that "No officer of the staff, not having lineal rank, or rank *assimilated* thereto, shall command any officer whatever having such rank, but, on the other hand, the former shall be subordinate to the latter, under the following restrictions: 1st, the commissary general of purchases, the surgeon general, the *paymaster general*, and the apothecary general, to general officers only," &c. Here a clear distinction is taken between officers of the army having rank, and staff officers having no rank: the latter, to wit, purchasing commissaries, the surgeon, *paymaster* and apothecary generals, are prohibited from commanding even a second lieutenant.

The position taken by the committee, in behalf of the army, is applicable to the navy also. The duties of a purser in the navy are analogous to the duties of a paymaster in the army. The principle which would justify the appointment of a paymaster to command a regiment, would authorize the appointment of a purser to command one of our ships of the line, to the exclusion of the long list of gallant officers, who have, by their valor, acquired so much renown for the country.

In the 8th sec. of the 1st. art. of the constitution of the United States, it is provided, that congress shall have power "to make rules for the government and regulation of the land and naval forces." In virtue of this power, congress have directed, both in the land and naval service, that promotion shall be according to *seniority*. This principle has heretofore been held sacred. The army and navy were created for national purposes. By adhering to the principle of promotion, which is coeval with their existence, they will retain their national character. The individuals who compose these arms of national defence, have rights secured by law; and when these rights are violated it is their privilege to appeal to the tribunals of the country for redress, (as many officers have done on this occasion to the senate,) as a part of the executive council of the nation. A departure from this principle would have the most fatal effect. It would verify the adage, that one campaign to Washington was worth two upon the lines. A system of favoritism in promotion would supply the place of law and regulation. The army and navy, instead of retaining their *national* character, would become the creatures of the executive. Men of honor, whose rights had been violated, would be driven from the service, and those only retained who would patiently submit to any indignity. An army and navy composed of such materials, in times less virtuous than the present, would be dangerous instruments in the hands of those who would have the power to wield them. The committee believe that both law and policy unite in resisting every attempt to introduce such doctrines in our service.

[TO BE CONCLUDED.]

NILES' WEEKLY REGISTER.

SUPPLEMENTARY TO NO. 26—VOLUME X—NEW SERIES.

THE PAST—THE PRESENT—FOR THE FUTURE.

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☞ The readers of the REGISTER will please to recollect that, as stated in our last, this half sheet is *gratuitous*, to complete the *time* of the volume and finish the proceedings of the senate on certain military appointments, to which we expect to have occasion to recur hereafter. Thus circumstanced, and limited for room, we have no great variety to offer to our friends, though the proclamation of the president about the opening of the West India ports, is an important article.

["Executive Proceedings"—concluded.]

The great object of the act of the 2d of March, 1821, was to *reduce* and not to *increase* the military force of the country. But, with the view of improving the organization of the artillery, the battalions were converted into regiments, and four colonelcies were created. But it is denied that the office of adjutant general was created by that act, as will be hereafter shown. The question again recurs, whether these four offices were to be filled by *officers then in service*, or by citizens, or by non-combattant staff officers. The president insists that he had the right to fill those offices from the latter description of persons. The committee hold the negative of that position. Before the passage of the act of the 2d of March, 1821, there were eleven regiments in service, to wit: one of riflemen, one of ordnance, one of light artillery, and eight of infantry. By said act, eleven regiments were retained, to wit: four of artillery and seven of infantry. By the third section of the act, the *corps of engineers* was retained as *then organized*. When it is remembered that, before the passage of the act, there were *eleven* regiments, and the *same number* were retained by the act, it is a fair presumption that *all* the colonels, lieutenant colonels, and majors, were intended to be retained. This presumption is strengthened, when it is distinctly recollected that this exposition was given of the act by the committee who reported it, when the bill was discussed in the senate. By recurring to the 11th section of the act, this question rests no longer on presumption, but is made manifest by positive law. The 11th section is in the following words: "That the officers, non-commissioned officers, artificers, musicians and privates, *retained* by this act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided in like cases by existing laws; and that the force authorized and *continued* in service under this act, shall be subject to the rules and articles of war." The 12th section of the act before referred to, directs that "the president *cause* to be *arranged* the officers, &c. of the *several corps now in service*, in such manner as to *form and complete out of the same, the force*" authorized by the act. The word *arrange* signifies "to put in proper order for any purpose." The purpose was to *reduce* the army to the standard pointed out by the preceding sections of the act, and to put in proper order the officers, &c. "*retained*" by said act. The committee believe they cannot be mistaken in this conclusion; and that the term *arrange* does not mean to *create*, and put out of order, as it has been interpreted in the late reduction of the army. The words of the act in relation to the four regiments of artillery, are

the same; but a construction has been given to it widely different. It has been made to mean "*to put in order*," as regards the 1st and 3d, and to "*create and put out of order*," as relates to the 2d and 4th regiments. Colonel Porter, who takes rank from the 12th of March, 1812, is "*arranged*" to the 1st regiment of artillery, and colonel Armistead, who takes rank from the 12th November, 1818, is "*arranged*" to the 3d. But colonels Towson and Fenwick are "*appointed*" to the 2d and 4th regiments, taking rank from the 1st of June, 1821. The president's message of the 4th of April, 1822, when treating of the regiment of light artillery, formerly commanded by colonel Porter, says, "that regiment was reduced, and all its parts reorganized in another form, and with other duties; being incorporated into the four new regiments, the commander was manifestly displaced and incapable of taking the command of either of the new regiments, or any station in them, until he should be authorized to do so by a new appointment." The committee dissent from this proposition, and contend that the interpretation first given by the president to the 12th section of the act, so far as relates to this officer, was the correct construction, and that he was authorized to "*arrange*" colonel Porter to the command of either of the regiments of artillery, as he did "*arrange*" him to the first, without a re-appointment or nomination to the senate, and that colonel Porter was in the legal discharge of his official duties, under the commission which he had, long before the reduction of the army. The twelfth section of the act authorized the president, after arranging the officers, &c. out of the former, so as to complete out of the same the retained army, to cause the "*supernumerary*" officers to be discharged from the service of the United States. By the 13th section of the act, it is provided "that there shall be allowed and paid to each commissioned officer, discharged from the service of the United States, in *pursuance* of this act, three month's pay, in addition to the pay and emoluments to which he may be entitled by law, at the time of his discharge." The word "*supernumerary*" signifies above a stated number. The object of the act was reduction, and when the new standard was complete, by arranging from among the materials on hand, the residue, or "*supernumerary*" officers were to be discharged, with three months gratuitous pay. To discharge an officer legally, and pay him three months additional pay, he must have been "*in service*," in the former army, and *no place* for him in the reduced army. He would then, and then only, be "*a supernumerary*," according to the provisions of the act, and then only he could be discharged in pursuance of the act. The committee regret to say, that several officers of great merit, who would not suffer by a comparison with those retained, have been discharged with gratuitous pay, on the alleged ground that they were "*supernumeraries*," or that there was no place provided for them under the law, when, in truth and in fact, to the places provided for *them* by law, others, not contemplated by the act, were appointed. The message assumes the ground, that congress could "not, under the constitution, restrain the free selection of the president, from the whole body of his fellow citizens,

to appoint to these places." The constitution of the United States provides, that "congress shall have power to make rules for the government and regulation of the land and naval forces." Under this article of the constitution, it is competent for congress to make such rules and regulations for the government of the army and navy, as they may think will promote the service. This power has been exercised from the foundation of our government, in relation to the army and navy. Congress have fixed the rule in *promotions and appointments*. Every promotion is a new appointment, and is submitted to the senate for confirmation. In the several reductions of the army and navy, congress have fixed the rules of reduction: and no executive, heretofore, has denied this power in congress, or hesitated to execute such rules as were prescribed.

The president "*approved*" and *signed* the act of the 2d March, 1821, and, *at that time*, made no declaration of an opinion that the law was unconstitutional, and thereby sanctioned its constitutionality. Having given his assent to this law, the committee believe he is, as well as all others, bound by it. The committee will not dispute the legal power of the president to discharge an officer from the land or naval service; but, in such case, the officer discharged would not be entitled to three months' additional pay, which has been paid to all the officers who have been put out of the service in the late reduction. There is, therefore, no pretence for saying, as has been urged, that the president exercised his constitutional power in discharging several officers. He says himself, he acted "*in pursuance*" of the law. In the second section of the second article of the constitution of the United States it is provided, "That the president shall have power, by and with the advice and consent of the senate, to *appoint* all officers of the United States whose appointments are not therein *otherwise* provided for, and which shall be established by law." By the construction heretofore given to this article, the senate had the same power, and the same range of discretion to withhold their "*advice*" and "*consent*," that the president had to *nominate*: and the senate would abuse the trust confided to them, if they were to ratify nominations, when either policy or law required their rejection. In the message accompanying the "*re-nominations*" of colonels Towson and Gadsden, it is urged, that "if an officer may be *reduced* and *arranged* from one corps to another by an entire change of grade, requiring a new commission and a nomination to the senate, there is no reason why an officer may not be *advanced* in like manner;" and the example of 1815 is relied upon in support of this position. It is true that, in the reduction of 1815, the law was departed from in the instance of retaining an officer in a grade below the rank he had before held in the army. A great proportion of the officers in 1815, were retained on this principle; and when their names were submitted to the senate, a *considerable time* after the reduction had been made, that body, with much hesitation, lent a reluctant assent to the arrangement, without supposing that this departure would be set up as a justification for another still more dangerous to the rights and character of the army. The principle of *razeeing* having been recognized in 1815, the senate, under the authority of that precedent, in the reduction of 1821, have ratified the nominations of generals Macomb and Atkinson, and major Dallaba, officers who were *razeed*. The senate having, by their decision in the reduction of 1821, gone as far as the precedents of 1815 would justify, the committee think

it proper to pause and seriously to reflect, before they give their assent to the doctrines advanced in the message, whereby the president would be sustained in *advancing* second lieutenants to the head of our regiments, and midshipmen to the command of our ships of the line, to the exclusion of colonels and naval commanders who are in service under the law.

It is correctly stated in the message, that the fifth section of the act of 1815, contains the words "*corps of troops*," and the twelfth section of the act of 1821, uses the term "*corps*," out of which the force retained was to be constituted. It is conceded that omission had an object. But it was not intended that that omission should give to the president a wider range, or place his discretion above the provisions of the law, but was designed alone to improve the phraseology of the section, by omitting a superfluous word, without affecting the obvious meaning of that section. If it were necessary further to prove that the pay department does not constitute one of the "*corps*" of the army out of which the army *retained* was to be composed, the committee would refer to the commission issued to Mr. Brent, late paymaster, and signed by Mr. Jefferson: and also to the fact, that this officer has heretofore been placed on the civil list in the different appropriation bills. These circumstances also distinctly mark his civil character.

If the committee should be mistaken in the correctness of the views before presented, and they feel confident they are not, there is a document among the proceedings of the board of general officers, which, independent of all other facts and arguments, proves, incontestibly, that the construction put by the committee on the act is the correct one, and that the proceedings of the board of general officers, charged with the reduction of the army, were not regulated either by the provisions of the law, or by any construction of it. The document is in the following words:

"The board of general officers, of which major general Brown is president, being of opinion that colonels Wadsworth, Bissell, King, and Smith, should not be retained, beg leave, respectfully, to recommend, that brigadier general Atkinson be arranged to the office of adjutant general; that general Parker be appointed to the office of paymaster general, and that colonels Towson and Bomford be appointed colonels of artillery.

"JACOB BROWN, President.

"April 13, 1821."

It is thus seen that the board of general officers, who were called in to aid in the execution of the law to reduce the army and to "*arrange*" each officer to his proper place, *commenced* that work by recommending to the president to *put out four* of the eleven colonels then in service. The board did not pretend that these officers were "*supernumeraries*," or that it was necessary to discharge them as such. It is, therefore, manifest they substituted their own will and pleasure for the rules prescribed by law. It is in proof before the committee, that the original paper, containing this recommendation, was deposited in the adjutant general's office for safe keeping; and afterwards, at the request of general Brown, it was delivered to him, who immediately destroyed it.

The committee have examined, with great care, the message re-nominating colonel Gadsden to be adjutant general, and have looked in vain for an argument which could convince them that the decision lately made by the senate was erroneous. It has been urged "that general Atkinson, who had been arranged to the office of adjutant general, de-

declined accepting it, and colonel Gadsden was appointed by the president to fill the vacancy, in conformity to the provisions of the tenth section of the act of the 24th of April, 1816."

If the provisions of this act were inconsistent with the provisions of the act of the 2d March, 1821, so much of the former act as is so inconsistent, is repealed by the last mentioned act, and, of course, the appointment is not supported by the authority relied on. But the committee are in possession of a copy of a letter from general Atkinson to general Brown, dated St. Louis, 6th April, 1821, in answer to one which had been written to him on that subject, in which general Atkinson positively declines accepting the office of adjutant general. This letter was received by general Brown on the 27th of the same month, and before general Atkinson was arranged by the board to the office of adjutant general. When it was known, positively, that general Atkinson would not accept this office, why was he arranged to it? This arrangement was nominal, and could not have the effect of evading the law, or creating a vacancy which did not before exist. And the committee are of opinion, that the tender of this office to general Atkinson, with a knowledge that he would not accept, did not produce a vacancy, and that, in deciding on the legality of colonel Gadsden's appointment, this arrangement of general Atkinson must be left out of view. The 6th section of the act of 2d March, 1821, is in the following words: "That there shall be one adjutant general and two inspectors general, with the rank, pay, and emoluments of colonels of cavalry." Before the passage of the act there was one adjutant and inspector general, two inspectors general, and two adjutants general. The object of the act was "reduction," and, with that view, the office of adjutant and inspector general was dispensed with; and also that of one adjutant general, and the two offices of inspector general, and one of adjutant general retained. This section having retained the two offices of inspectors general, and the 11th section, before cited, having retained the incumbents, it was not supposed by any one that either or both of them could be discharged as *supernumeraries* under the provisions of the act. By referring to the general order of May 17th, 1821, it will be seen that those who were charged with the reduction of the army were of this opinion. The law left these officers where it found them, and the general order announced that they remained in the offices they before held. But a very different construction was given to that part of the same section which relates to the adjutant general. There were two adjutants general in service, colonels Butler and Jones, and the committee insist, by a fair construction of the act, one of them was "retained," and the president was authorized only to elect which of the two should be "discharged" as a "supernumerary."

It is contended in the message, that this was an "original vacancy," and it was competent for the president to discharge both Butler and Jones, and fill this office by appointing any other person. As the object of the act was to reduce the army, and not create offices, it is fair to presume that excision was intended to be applied only where there was an excess, either in number or organization. This rule was applied to that part of the same section relating to the inspectors general. As it regards them, there was no excess, and all agree that they were retained by the law. Colonels Butler and Jones had the rank, pay, and emoluments of colonels of cavalry; the precise attributes of the adju-

tant general secured to the army by the act. But it is said that the adjutant general of a *division* was deemed not to be co-ordinate with the adjutant general of the *army*. On the subject of their duties, nothing has been prescribed. The laws are silent. Their rank, pay, and emoluments are the same; and there is a perfect coincidence in all their endowments. The fifth section of the act provides, that there shall be one major general and two brigadier generals. There were then in service two major generals and four brigadier generals, making an excess of one half. According to the principle applied to the adjutant general, the commission of a major general commanding a *division* is inferior to the same commission when the same person commands the whole *army*. But the major general of the late northern *division* is now major general of the *army* of the United States, in virtue of his former commission. The two cases are precisely similar. There were two major generals, making an excess of one; it cannot be inferred that they were both to be disbanded, and some citizen or non-combatant staff officer to be appointed to command the army. Perfectly analogous is the case of the two adjutants general; but the rule applied to them by the board has been different. The major general of the late northern division now commands the whole army: but the two adjutants general are both and singular "*supernumerary officers*," and as "*adjutants general*" have both been discharged from the service of the United States. The committee cannot believe that this is a fair construction of the act; particularly when the board of general officers, charged with the reduction of the army, have adopted a different rule in their own case, which is precisely parallel to the case of the adjutant general retained, and more especially when it is distinctly remembered that the construction now given to the sixth section of the act, by the committee, is the same which it received when the bill was discussed on its passage in the senate. It has been further insisted in support of the "*appointment*" of colonel Gadsden, that it was fully justified by the retention of colonel Hayne, in 1815. It is true, that in 1815, at the close of the war, there were eight adjutants general in service; and it is equally true, that the law of 1815, "reducing and fixing the army," disbanded the whole of them, not retaining even one; but the law of 1821 says, "there shall be one adjutant general," with all the attributes of the two officers of that rank then in service.

In the absence of law, therefore, president Madison, on his responsibility, chose "*provisionally*" to add to the army what the law had omitted, to wit, two adjutants general. This being the case, neither of the eight adjutants general had a right to demand of the executive places of his own temporary creation. The executive could select any one he chose to act as adjutants general, as he had exercised the power of creating those offices. Colonel Hayne could not have been "*retained*" as inspector general, because that office was abolished by law. For what purpose then can it be said that colonel Hayne, inspector at the time, was "*retained*" as adjutant general? It certainly cannot be to elucidate the subject. It is evident, therefore, that the appointment of colonel Gadsden is in no particular parallel with the appointment of colonel Hayne. The latter *actually* was in the absence of all law on that subject, and the former *professedly* in pursuance of law. By tracing the progress of the principles for which the committee now contend, through the vicissitudes of the revolutionary war, it will be seen that the basis of our rules for

the government of the army was established as early as the 30th of June, 1775, and by these rules "sutlers, retainers, and other persons of the army," (not being soldiers), were made subject to the articles of war.

By a resolution of the 10th January, 1778, reducing the number of regiments on the continental establishment, it was directed, in order to avoid just cause of complaint, as to rank, those charged with the reduction were confined as nearly as possible to the military line.

By a resolution of the 27th May, 1778, it was ordained that aids de-camp, brigade majors, and quartermasters, *hertofore* appointed from the line, were to hold their present rank, and be admitted again to the same, but were not to command any one who *commanded them while in the line*.

On the 3rd of October, 1780, among other things it was directed for the regiments to be *raised*; the commander in chief was to direct the officers of regiments to meet and agree upon the officers for them from among those who inclined to serve; and when it could not be done by agreement, it was to be determined by *seniority*.

On the 22d of April, 1782, it had been found necessary to reduce the lieutenants of each regiment to ten, and it was provided that the reduction should be made from the supernumerary *junior* lieutenants in each regiment.

On the 7th August, 1782, it became necessary further to arrange the army, according to the resolutions of the 3d and 21st October, 1780, and for this purpose, it was provided that the *junior* regiments, should be drafted to fill the *senior* regiments, and the commander in chief should direct the officers of the line of each state to meet and agree who should command the troops so arranged; and when they could not agree, *the junior officers of each grade were to retire*. Under this resolution it became doubtful whether a senior officer could retire with honor, if he would; and, on the 19th November, it was, by another resolution, provided that the *senior officers of each grade* should, under the act of the 7th August, be retained, and that the redundant *junior officers* of the several grades should retire; but the commander in chief permit a *senior* to retire. The committee appeal with veneration to this period of our military history for the correctness of the doctrines they now contend for, and cannot but mark the contrast between the principles then held sacred, and those which were introduced in the late reduction of the army.

In the 2d section of the 2d article of the constitution of the United States, it is provided, that "the president shall have power to fill up all vacancies that may *happen* during the recess of the senate, by granting commissions which shall expire at the end of their next session." If the offices to which colonels Towson and Gadsden are nominated were original vacancies created by the act of the 2d March, 1821, the committee contend that they were not filled agreeable to the provisions of the constitution. The words "all vacancies that may *happen* during the recess of the senate," evidently means vacancies occurring from death, resignation, promotion, or removal; the word *happen* must have reference to some casualty not provided for by law. Original vacancies must mean offices created by law, and not before filled. Admitting, then, that the offices to which colonels Towson and Gadsden are nominated, were original vacancies created by the law to reduce the army, the senate was *then in session*, and these nominations were not made during that session. From whence then does the pre-

sident derive his power to fill those offices in the recess of the senate? Certainly not from the constitution, because the senate was in session when the law passed, and the appointments were made after the adjournment of congress; and he had no power to make them in the recess, because the vacancies did not *happen* in the recess of the senate. The committee believe this is the fair construction of the constitution, and the one heretofore observed. For many instances have occurred where offices have been created by law, and special power was given to the president to fill those offices in the recess of the senate; and no instance has before occurred, within the knowledge of the committee, where the president has felt himself authorized to fill such vacancies without special authority by law. Hence the committee conclude, from the president's own shewing, that the appointments of colonels Towson and Gadsden were not authorized either by the constitution or law.

The committee take great pleasure in admitting the merits of these gentlemen, but believe that this consideration cannot fairly enter into the construction of the law and constitution. But they do not admit that their claims on the country are superior to those who have been put out of their proper places in the army, in order that these gentlemen might occupy them. And, whilst the committee forbear entering into a comparative view of the merits of all the officers illegally discharged, and those put into their places, they must be permitted to say that general Bissel entered the service, as a soldier, about the year 1790, and for his distinguished bravery at St. Clair's defeat, was promoted from a sergeant to an ensign, and has risen through every rank to that of a brigadier general in the late war; and that, in every situation, he has been distinguished for his bravery and correct military conduct. Colonel Smith has lately been recommended in the warmest terms by general Brown for the important office of governor of Florida, and has been actually nominated by the president to the senate for the office of judge of that territory.

The committee are of opinion, if those officers merited dismissal in the judgment of the board, the reasons for their discharge should have been stated, and the necessity of the act justified; but that it cannot be correct to attribute it to the operation of the law of 1821, when the provisions of that act had no effect on the measure.

When the committee add their acknowledgment to the assertion of the merits of colonels Towson and Gadsden, it is proper they should repel the inference that the rejection of their nominations, by the senate, evinces a disregard of their merits, or an indifference to their just reward. Whether a suitable provision ought to be made for col. Towson is not now the question. That was done by the act. By it he was left in the office of paymaster general, a place of distinction and superior emolument. Colonel Gadsden, too, was left by the act in the office of inspector general, in which he might have been continued, and the necessity thereby avoided of reducing colonel Jones, who had been twice brevetted for distinguished gallantry during the late war, to the rank of captain, which he held at its commencement.

The committee regret that there exists a difference of opinion between the president and senate, and must express an unfeigned regret that, in the discharge of a paramount duty, they should have induced a suspicion of an arraignment of his motives, or a want of due consideration on their part, of these nominations when first presented. The

questions at issue are not of a personal or political character, in which the merits of the officers are at all concerned, but are of law and constitution.

On such questions the president and senate might differ, as to the highest judicial tribunals of our country, without a suspicion of unkind feelings. With that disposition to harmony and good feelings, which does, and is to be hoped always will, exist on the part of the senate towards the chief magistrate of the nation, the committee have carefully examined the message of the 12th April, 1822, and have not been able to discover any views in that message which were not presented, and duly considered, during the deliberations, which occupied the serious attention of the senate for more than two months before these nominations were rejected. However delicate the measure of sending back to the senate nominations rejected by them; or, however liable to abuse the practice in other times might become, the constitution does not prohibit the president from doing so, but, whilst it imposes no restriction on his discretion in this particular, the right belongs to the senate to confirm or reject them. If a difference is thus produced, the senate have no means of avoiding it, and it rests alone with the president to create or continue such collisions at his discretion. Under the foregoing views, the committee believe it to be their duty to submit to the senate the following resolution.

Resolved, That the senate do not advise and consent to the "re nominations" of colonels Towson and Gadsden.

Mr Williams of Tennessee, communicated to the senate the following deposition:

Deposition of general Parker.

Having been summoned before the military committee of the senate of the United States, and having been required by them to state, in a deposition, the substance of my oral communication, which was made in answer to their inquiries relative to certain copies which were laid before the secretary of war, with my letter of the 15th instant, and in relation to the reduction of the army, conformably to general orders of the 17th of May, 1821, I, Daniel Parker, depose and state, that, soon after the passage of the act to reduce and fix the military peace establishment, dated the 2nd of March, 1821, I understood the secretary of war to say, that the executive had determined to offer me the reduced rank, pay, and emoluments, appertaining to the office of adjutant general, in which office the same duties before performed by me, as adjutant and inspector general, would be required, as far as should be found consistent with the new organization: that the same clerks which had been authorized by law, for the adjutant and inspector general's office, would be continued; and that the general officers to be retained would be called to this city to aid and advise in relation to some parts of the reduction. The arrangement, as it related to myself, was communicated by me, to at least one of the generals, before their board met in April. During the session of the board, I was often ordered, by the secretary of war, to make communications to them, and I was sometimes called on by the board for official information, between the 12th of April and the 14th of May, 1821. Their proceedings and views were not communicated to me, further than was necessary to enable me to answer inquiries. Two of the members of the board, in their individual and private capacity, as I understood, expressed to me a wish that I would take the office of paymaster general, and that such consent on my part would promote the service, as it would facilitate the desirable arrangement of making general Atkinson adjutant general, and colonel Towson a colonel of artillery. I had understood general Atkinson was offered the 6th regiment, before the board met, and I stated, as well to those gentlemen, as to the secretary of war, that several years since, when Atkinson was only colonel, he had said to me, he would not exchange his regiment for the office of adjutant and inspector general, with the rank, pay, and emoluments of brigadier general. On that, of course, I was convinced he would not now take it with reduced rank, &c. When the papers were put into my hands by the secretary of war, directing me to make out and publish the new army list, as soon as practicable, I perceived that there were several contingent conditions of office which seemed necessary to be published as explanations of the register, and those, as well as the list, were copied. On a careful reading of those, and recommendations, I had some doubt whether all, and what part, should be published, and was going to the secretary of war for his further directions, in relation to them, when I was stopped at the room of the board of officers, which was then occupied by generals Brown and Gaines; general Scott, I believe, had left the city; general Brown asked for those papers, all of which, I believe, was then in my hand, and commenced destroying them. I requested his forbearance, and stated that I received them from the secretary of war, to whom I was then carrying them. He said

they had a substitute, which would be given me. I immediately reported the fact to the secretary of war, and left the further explanation for gen. Brown. Afterwards received, in lieu of them, on the same day, the recommendation which was signed by general Brown, and is published with the general orders of the 17th of May, 1821. The copies of three separate papers, dated April 13th, May 3rd and May 11th, 1821, and signed by general Brown, were first taken, under the impression that they must necessarily be published, in explanation of the new army list. When the originals were withdrawn from me, and the one dated May 11th, substituted, I retained the copies, because they related to my own official situation, in connection with others. A transcript was taken and furnished to the secretary of war, on a recent application, to know if I had any papers in relation to the late reduction of the army.

If all the papers referred to were not destroyed, as I am sure part of them were by general Brown, they may perhaps be among the records and files of the late adjutant and inspector general's office, of which general Brown relieved me, on the 1st of June, by order of the secretary of war, dated May 31st, 1821.

The foregoing contains, briefly, all that I understood to be deemed material to my answer to the inquiries of the committee of senate on military affairs, and is, to the best of my recollection and belief, a true statement.

DANIEL PARKER.

Sworn and subscribed, this 23rd day of April, 1822, before me.

ENOCH REYNOLDS, J. P.

[Received by the committee after their report.]

George Washington, president of the United States of America.

To all who shall see these presents, greeting:

Know ye, That, reposing special trust and confidence in the integrity, diligence, and ability of Caleb Swan, of Massachusetts, I have nominated, and, by and with the advice and consent of the senate, do appoint him paymaster of the troops of the United States, to reside with the army; and do authorize and empower him to execute and fulfil the duties of that office according to law; and to have and to hold the said office, with all the rights and emoluments therunto legally appertaining, unto him, the said Caleb Swan, during the pleasure of the president of the United States for the time being.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this 9th day of May, in the year of our Lord one thousand seven hundred and ninety-two, and of the independence of the United States of America the sixteenth.

GEORGE WASHINGTON.

By the president: Thomas Jefferson.

The president of the United States of America, to all whom shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the patriotism, fidelity and abilities, of Robert Brown, of Massachusetts, I have nominated, and, by and with the advice and consent of the senate, do appoint him paymaster of the army of the United States, in conformity to an act of congress, passed the 15th day of March, one thousand eight hundred and two, entitled "An act fixing the military peace establishment of the United States." This commission to continue in force during the pleasure of the president of the U. States.

Given under my hand, at Washington, this first day of March, in the year of our Lord one thousand eight hundred and nine, and in the thirty-third year of the independence of the United States.

THOMAS JEFFERSON.

By command of the president of the United States of America: John Smith, chief clerk, acting secretary of war.

[Received by the committee after their report.]

The president of the United States of America, to all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the patriotism, valor, fidelity, and abilities, of Nathan Towson, I have nominated; and, by and with the advice and consent of the senate, do appoint him paymaster general of the army in the service of the United States; to rank as such from the twenty-eighth day of August, eighteen hundred and nineteen. He is, therefore, carefully and diligently to discharge the duty of paymaster general, by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and soldiers under his command to be obedient to his orders as paymaster general. And he is to observe and follow such orders and directions, from time to time, as he shall receive from me, or the future president of the United States of America, or the general, or other superior officers set over him, according to the rules and discipline of war. This commission to continue in force during the pleasure of the president of the United States, for the time being.

Given under my hand, at the city of Washington, this eighteenth day of March, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fourth year of the independence of the United States. JAMES MONROE.

By the president: J. C. Calhoun, secretary of war.

St. Louis, 6th April, 1821.

Sir: The letter of colonel Wool, containing your propositions for me to accept the situation of adjutant general, under the new organization of the army, has been received. I have to offer you my thanks for the complimentary terms in which I am mentioned, but I must decline according to the proposals. I cannot go to Washington with degraded rank. The only situation, below my present grade, that I would accept of, has been offered to me by the secretary of war; a regiment with brevet rank of brigadier. With this I can wear out my time on a remote frontier till better times offer, when, if I merit it, I shall be rewarded. Accept my best wishes for your health and prosperity, whilst, with respect and esteem, I am, my dear sir, your most obedient servant,

H ATKINSON, brigadier general.

Maj. gen. Brown, United States army, city of New York.

Head quarters, Washington, 13th April, 1821.

My dear general: I am here, as you will perceive by the papers, for the purpose of aiding in the selection and arrangement of the officers to be retained in service, under the act of the 2nd of March, reducing the military peace establishment. You will have seen, also, that generals Gaines and Scott have been retained as brigadiers. General Macomb will, if agreeable to himself, be placed at the head of the corps of engineers, as colonel, with his brevet rank; and it is my anxious wish that you should be arranged to the office of adjutant general with your brevet rank. As I am to be stationed here as general in chief of the army, it is to me a subject of deep interest to have an officer as chief of my staff, in whom I can place, and the army and country repose, the most implicit confidence. You are that officer; and it is as I believe it will, the selection should fall upon you, as a friend who has rendered you some service, permit me to claim your acceptance of this situation in my military family. It is very possible that I may be the greatest gainer by this arrangement, but it will be a part of my duty to see that you are not a loser. Admitting that your command upon the Missouri is more agreeable to your views, I should hope that you would be willing to make some sacrifice to meet my wishes, and the just expectations of the army.

It may be proper for me to say in this place, that it appears to be a well digested and settled opinion here, that the brigadiers are to be so arranged, that one of them will command upon the Atlantic and the other upon the Mississippi, or western frontier, including the Gulf of Mexico; and should this arrangement be made, St. Louis, or some place in that section of the country, would be the head quarters of the general commanding in the west.

I cannot close this letter without saying, that it is my confirmed opinion, that you can be more useful to yourself and the army, by accepting a situation that will place you under the immediate eye of the government, than in any other, which you can hold under the present law, and that it is your duty to accept the office of adjutant general, if it be assigned to you. Your friend,

JACOB BROWN.

Brigadier general H. Atkinson.

St. Louis, June 15th.

Dear sir: I have had the honor to receive your favor of the 27th April. The same reasons that I offered in my letter of the 4th May, prevents me from accepting of the situation of adjutant general of the army.

I regret that it is not in my power, consistently with my own interest, to oblige you in your repeated requests to take a place in your staff. With very great respect and esteem, I have the honor, &c.

H. ATKINSON, brig. Gen. U. S. Army.

Maj. gen. Brown, United States army, Washington City.

Monday April 29, 1822. Mr. Williams, of Tennessee, laid on the table the following papers, which were read:

[Received by the military committee on the day of its date.]

Department of war, January 31, 1822.

Dear Sir: Since I had the conversation with you, I have compared the 76th article, as printed in the book of regulations, with the same article in the document which was printed by the order of congress, at the last session; and it has resulted in an opinion, that the words in the book of regulations, "except in extraordinary cases, see 63rd article of war," ought not to constitute a part of the text, but are mere matter of reference, introduced by the indexing, which was done after the adoption of the regulations by congress, and that, consequently, the whole of those words ought to have been placed in a parenthesis, the omission of which, by the printer, has caused the apparent variation. With great respect, I am, &c.

J. C. CALHOUN.

Hon. J. Williams.

[The following, with its enclosures, received by committee four days after their report.]

War department, April 29, 1822.

Sir: I herewith enclose a deposition of brevet major general Scott, accompanied by a letter from the hon. Alexander Smyth to him, which satisfactorily explains the difference between the army regulations as printed by the order of the war department, under the superintendence of general Scott, and the manuscript which was laid before the house of representatives, and printed by its order previously to the adoption of the regulations by congress. By reference to the deposition and letter, it will be seen, that the regulations printed by the order of this department secondly, which were adopted by congress, though they do not, in any particular, with the volume printed by the order of the house for its consideration, previously to the adoption of the regulations by congress; and that, in particular, article 75, in relation to transfers, is correctly printed, as adopted.

I also enclose a letter from general Scott, in relation to the arrangement of general Atkinson to the place of adjutant general, under the act making the late reduction of the army, in which he states his reason for believing, at the time, that general Atkinson would accept of that office in preference to the command of a regiment, which had been offered him by the president, through this department.

Although my own impression (which was communicated to the board) was, that general Atkinson would probably prefer the command of the 6th regiment to the office of adjutant general; yet I did not believe it to be certain; particularly as I knew that the major general, to whom the adjutant was immediately attached, took a deep interest in his acceptance of that office, and would use his personal influence with him, to its full extent, to induce him to accept.

Very respectfully, your obedient servant,

J. C. CALHOUN.

Hon. J. Williams, chairman of the committee on military affairs.

Sir: I accidentally omitted to enclose the letter of general Scott to which I referred in mine of this morning. I now enclose it. Very respectfully, I am, &c.

J. C. CALHOUN.

Washington City, 28th April, 1822.

Sir: I proceed to state what I recollect concerning the corrections made by you in the System of Field Service and Police adopted by congress at their last session, for the army of the United States.

As chairman of the committee of military affairs in the house of representatives, I received two printed copies, corrected by you, of the system. The first I received directly from you, as I believe; the second, through the war department, or the office of the adjutant and inspector general, which I understood to have your final corrections. This last was the copy which I intended that the Regulations should be printed from; and I am very confident that, for that purpose, I deposited it with the clerk of the house of representatives. It is also impressed on my mind, that I wrote either to the secretary of war or yourself, referring to that copy as the one from which the Regulations ought to be printed.

It is not in my power to say in what the copy which I suppose to have been deposited with the clerk, differed from the copies which were printed for the use of the members of congress. There were corrections or errors of the press, verbal alterations, and some additions, in the first copy; and, I believe, still more of the latter in the second copy, which was that deposited with Mr. Dougherty.

Very respectfully, ALEXANDER SMYTH.

Maj. Gen. Scott, Washington City.

Washington, April 27th, 1822.

In compliance with your request, I will state, to the best of my memory and belief, the material circumstances known to me, relative to the recommendation of brevet brigadier general Atkinson, for the office of adjutant general, made by the board of general officers, of which I was a member, assembled for the purpose of assisting in the late reduction of the army.

It is not deemed material for me to say what were my own wishes or opinion on that recommendation, though I am free to declare that I entertain for general Atkinson the greatest respect as an officer, and hold him in the closest esteem as a man.

On taking a view of the whole army list, and the general effect of this impending reduction, it very early occurred to the board, I mean, at least a majority thereof, either including or excluding myself individually, that it would be desirable, in order to save the greatest number of valuable officers for the service, generally, to retain general Atkinson as adjutant general. Before, however, any decision was taken on the question, I understood from general Brown that he had written to general Atkinson, intimating what would probably be done by the board relative to the latter; and, afterwards, when the arrangement had been definitively made in that case, and in the others of importance connected therewith, I learnt from general Brown that he had received a letter from general Atkinson, expressing a preference for his then situation, and a desire to be continued in it, with the reduced rank of colonel of the sixth infantry, and the brevet of brigadier of the army. Now, there was an official letter of general Atkinson, addressed to the war department, before the board at that time, in which it was distinctly seen what was his meaning as to his then situation, (for he was already advised, at the time of writing the letter, of his reduction to the rank of colonel), viz. the command of a department, with, of course, the pay and emoluments of his brevet rank. But, understanding from you that he could not be continued in that command; that is, that you would be obliged, under the law, to have but two great departments, for myself and general Gaines, the board concluded that when general Atkinson should become acquainted with that decision, (of which he was then ignorant), he would prefer the office of adjutant general to the immediate and sole command of the sixth regiment; particularly, as all the difficulties in making the establishment at the Council Bluffs had been already overcome, and there was no longer room for activity or enterprise in that quarter. I feel myself at liberty to say, that this was my own opinion, and appeared to be that of the other members of the board, down to the period of my leaving Washington to attend to other duties. I, however, never saw general Atkinson's letter to general Brown, nor do I know that it was shown to either yourself or general Gaines. I am confident it was not laid before the board. There were other considerations which contributed to the persuasion last expressed above; such as general Brown's declared intention to write a second time to urge general A. to accept; to inform him of the important contingencies which would depend on his decision, &c. &c. I was, at the time in question, not unacquainted with the opinion entertained by my friend general Parker on this subject, and the reasons on which it was founded; but, nevertheless, confidently expected a different result.

I have the honor to be, sir, very respectfully, your obedient servant,

WINFIELD SCOTT.

To the hon. J. C. Calhoun, secretary of war.

Deposition of major general Scott.

The deponent saith he was, sometime in March, 1821, employed by the war department, to superintend, at Philadelphia, the printing of the book entitled, "General Regulations for the Army;" that he, accordingly, carefully examined the proof sheets as they successively came from the press. That the articles of the book which had then been recently approved by congress, were reprinted with the most perfect good faith. That no alteration was, after the 2d of March, 1821, made in either of those particular articles, except in some very few instances, wherein a word was substituted for another, merely with a view to grammatical accuracy, without changing a principle; and, excepting also, some slight changes in article 38, ("organization of departments"), such as striking out "major general of the division;" striking out "assistant" before

the words "inspector general," &c. which changes were, in the opinion of the editor and compiler, (this deponent), rendered necessary by the very act that approved the article; the act giving to the army, in those particulars, a new organization.

It remains for the deponent to explain other variations between the articles of the book first printed at Washington, by order of the house of representatives, and the same articles reprinted at Philadelphia. The first printing was early in January, 1821; and the book was not sanctioned till the 2d of March following. Very early in this interval, the deponent received several copies from the press of the public printer. On reading over one of them at Philadelphia, he discovered, beside *typographical errors*, (of which there were many), that some of the articles of the book had not perfectly harmonized with others. That certain principles laid down, required a greater development for practical purposes; and feeling much anxiety, in his capacity of compiler, for the literary and professional merits of the work, he immediately employed himself in correcting those errors and defects, which were more readily perceived in the printed shape the articles had then assumed. Having corrected, with red ink, two of the printed copies, so as to render them exact duplicates, this deponent retained one in his own possession, and sent the other through the war department, (some time in February, certainly many weeks before the 2d March, 1821,) with a request that it might be laid before the military committee of the house, and accepted as the copy to be approved. This was accordingly done, as the deponent is again advised by the chairman of that committee, who is still a member of that house, and the deponent avers, that the duplicate retained by him, was the copy from which the articles approved by congress were reprinted, as above stated.

In respect to article 75, ("Transfers") one of those altered or recast, in February, as he verily believes, and transmitted as above, the deponent solemnly avers that he received from no person whatever, any suggestion to make an alteration therein; that its present verbal shape was given to it, on his own mere motion, without a view to any particular case then foreseen; that, in his humble opinion, the principles embraced in the article are professionally sound, right, and proper; that the words "except in extraordinary cases," inserted by him, were borrowed from the article on *promotions*, (see article 14, paragraph 1, which regulation is at least as old in our service as 1813), where the same words will be found; giving to the executive, in an analogous case, a greater power than he can exercise under the article on *transfers*, even as it at present stands; that the reference in the last mentioned article, to be found in these words—"see 63d article of war," was merely editorial, and not intended to make part of the text; but simply to assist the reader (as in numerous other places in the book) to find kindred legislation on the same subject.

The custom of printers in cutting up copy into leaves, it is presumed, is well understood. These detached leaves are sent by the printer, from time to time, and in parcels, with *proof-sheets* of the new impression, for the correction of the latter, by the superintendent of the press, who, in the instance in question, was the deponent; the proof-sheets being verified, are then returned to the printer, with the original copy. The deponent has recently caused a search to be made for the original copy printed from, in this case, but has only found one or two detached leaves, among his own papers, probably left by accident, and nothing among the printers' papers. By him, after the new book was out of the press, those leaves were considered as mere waste paper, as is believed to be usual in such cases. The leaves found by the deponent contain no part of article 75, or any other that was altered between the first and second impression.

WINFIELD SCOTT.

Sworn and subscribed before me, one of the justices of the peace for Washington county, in the District of Columbia, this 29th day of April, 1822.

T. H. GILLISS.

The senate proceeded to consider the message of the 12th of April, nominating Nathan Towson and James Gadsden to military appointments, together with the report of the military committee thereupon.

On the question, "Will the senate advise and consent to the appointment of Nathan Towson to be colonel of the 2d regiment of artillery?"

It was determined in the negative; yeas 17, nays 25.

On motion,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alab. Knight, Lanman, Parrott, Rodney, Southard, Stokes, Talbot.

Those who voted in the negative, are

Messrs. Barton, Benton, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, King, of N.-York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Miss. Williams, of Tenn.

On the question, "Will the senate advise and consent to the appointment of James Gadsden to be adjutant general?"

It was determined in the negative; yeas 17, nays 25. On motion,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative, are

Messrs. Barbour, Brown, of Lou. Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Alabama, Knight, Lanman, Parrott, Rodney, Southard, Stokes, Williams, of Miss.

Those who voted in the negative, are

Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes, of Maine, King, of N. Y. Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Tenn.

So it was

Resolved, That the senate do not advise and consent to the appointments of Nathan Towson and James Gadsden.

Tuesday, April 30, 1822. Mr. Williams, of Tennessee, communicated the following paper, which was read:

April 30th, 1822.

I certify that I was one of the committee on military affairs, during the last session of congress, and punctually attended every meeting of the committee, and frequently acted as chairman in the absence of general A. Smyth, who declined attending the committee, after it was determined by them to reduce the army. At an early period of the session, the regulations for the government of the army, compiled by general Scott, were referred to said committee. He house of representatives had them printed. I further certify that no other, or corrected copy, was submitted to the examination, or received the approbation, of the committee. I am confirmed in this opinion from the fact that general Smyth did not attend at any meeting of the committee after the bill was reported to reduce and fix the military peace establishment of the United States, until the bill had passed the house and was returned by the senate with amendments. This bill was referred to the committee on military affairs, and when under examination general Smyth attended. The particular subject of their consideration was, whether a major general and two brigadier generals, with their aids, should be retained in service. If the book of regulations was mentioned, I have not the least recollection of it, and my belief is, that it was not; I am sure no corrected copy of the work was.

JOHN COCKE.

Washington, April 30th, 1822.

We, the subscribers, were members of the military committee in the winter of 1821, and usually attended the meetings of said committee, and agree that the foregoing statement of facts by general Cocke is correct, according to our best recollection and belief.

JOSHUA CUSHMAN,

JOHN RUSS.

West India Ports.

By the president of the United States of America.

A PROCLAMATION.

Whereas, by an act of congress of the United States, passed on the sixth day of May last, it was provided, that, on satisfactory evidence being given to the president of the United States that the ports in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the president should be, and thereby was, authorized to issue his proclamation, declaring that the ports of the United States should thereafter be open to the vessels of Great Britain employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the president of the United States might, by such proclamation, make and publish, any thing in the laws entitled "An act concerning navigation," or an act entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding.

And, whereas, satisfactory evidence has been given to the president of the United States that the ports hereinafter named, in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, that is to say, the

Santa Lucia,	Antonio St. Ann,	Falmouth,
Maria,	Morant Bay,	in Jamaica
Saint George		Grenada
Rosseau		Dominica

Saint John	Antigua
Saint Josef	Trinidad
Seaborough	Tobago
Road Harbor	Tortola
Nassau	New Providence
Pittstown	Crooked Island
Port George and Port Hamilton	Bermuda
Any port where there is a custom house	Bahamas
Bridgetown	Barbadoes
St. Johns, St. Andrews	New Brunswick
Halifax	Nova Scotia
Quebec	Canada
St. Johns	New Foundland
Georgetown	Demarara
New Amsterdam	Berbice
Castries	St. Lucia
Basseterre	St. Kitts
Charlestown	Nevis
and Plymouth	Montserrat.

Now, therefore, I, JAMES MONROE, president of the United States of America, do hereby declare and proclaim, that the ports of the United States shall hereafter, until the end of the next session of the congress of the United States, be open to the vessels of Great Britain employed in the trade and intercourse between the United States and the islands and colonies hereinbefore named; any thing in the laws, entitled "An act concerning navigation," or an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding, under the following reciprocal rules and restrictions, namely:

To vessels of Great Britain, bona fide British built, owned, and the masters and three fourths of the mariners of which, at least, shall belong to Great Britain; or any United States' built ship or vessel which has been sold to, and become the property of, British subjects; such ship or vessel being also navigated with a master and three fourths of the mariners, at least, belonging to Great Britain: *And provided always*, That no articles shall be imported into the United States in any such British ship or vessel, other than articles of the growth, produce, or manufacture, of the British islands and colonies in the West Indies, when imported in British vessels coming from any such island or colony, and articles of the growth, produce, or manufacture, of the British colonies in North America, or of the island of New Foundland, in vessels coming from the port of St. Johns, in that island, or from any of the aforesaid ports of the British colonies in North America.

Given under my hand at the City of Washington, this twenty-fourth day of August, in the year of our Lord one thousand eight hundred and twenty-two, in the forty-seventh year of the independence of the United States.

JAMES MONROE.

By the president:

JOHN QUINCY ADAMS, secretary of state.

☞ The New-York packet ship Liverpool, during a thick fog, ran against an island of ice and went down in less than two hours. All of the passengers and crew were saved, but with nothing else than the clothes which they had on their backs, and arrived in the boats at St. John's. N. F.

FOREIGN NEWS. We have some later foreign intelligence, but not space left to give particu-

lars. It appears, though there is not yet any thing more than reports, that the Greeks will be abandoned to the mercy of the Turks, by the "magnanimous Alexander." The state of things in Spain is bad—certain of the guards who had revolted, had attempted to seize the person of the king at Madrid, to effect a destruction of the constitutional system. They failed, after considerable fighting and bloodshed; but a civil war seems close at hand, and it is also highly probable that there will be a speedy rupture with France, supposed to act under the direction of the holy allies.

NEW YORK is in a state of great alarm, yet the number of deaths is not large, not exceeding two or three per day, by the yellow fever—but the disease is extending itself beyond what was considered the infected district, and cases have appeared in the very seat of business—so that most of the banks and public offices, and printing offices, &c. and many of the principal merchants and dealers, have removed to the upper part of the city. The Evening Post, says that the fever has "at last gained such a head as to threaten a sweeping epidemic." We still entertain a hope that this may not be the case, and believe that the few instances of the disease which have happened, though they may make it right for persons to remove, do not sanction so great a degree of alarm.

SOUTH CAROLINA. An exposition of the late contemplated insurrection of the blacks at Charleston has been published, and bears the signature of the governor of the state. It shall be inserted in this paper.

EMIGRANTS. The party said to be German Jews and all of one family, noticed in our last, as having arrived at Philadelphia, appear to have been much misrepresented. They were Swiss, of the Baptist persuasion and of different families—a plain honest and laborious people, and, like the Friends, bearing a testimony against war. They are farmers, and will soon make "the wilderness blossom as the rose."

SPECIE. A Boston paper says—In our last we mentioned there had been imported into this port, from January 1st to June 30 1822, from foreign countries, the sum of 70,781 dollars, we have ascertained that there has been exported to the East Indies, Brazil, England and Cuba, in that time, the sum of one million two hundred and four thousand four hundred and six dollars.

BRITISH CORN LAW. The act which lately passed parliament, provides that when the price of wheat shall reach seventy shillings, foreign grain shall be admitted into English ports at a duty of seventeen shillings per quarter for the first three months; and after that period, should the ports still continue open, to be reduced to twelve shillings sterling, and with a further descending scale of duty in proportion to any additional rise of price.

So then, British wheat must average eighty-seven shillings per quarter, (including the duty), or nearly eleven shillings sterling per bushel, before the people of England are to be permitted to use foreign wheat, though it might be furnished in immense quantities for 4 or 5s. per bushel! What a comment is this on the favorite dogma of the British in the United States—"let trade regulate itself!"





